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ABSTRACT

Documenting the 1991 fall session, this report provides resolutions adopted by the Academic Senate for the California Community Colleges. The resolutions are divided into the following 13 categories and topics: (1) the Academic Senate, including research, rules and procedures, and attendance at meetings; (2) accreditation, including self-study reports and site visitation teams; (3) affirmative action/cultural diversity, including cultural diversity workshops and student equity reports; (4) curriculum, including committees and subcommittees; (5) faculty development, including local leadership training, new faculty orientation, and tenure evaluation; (6) general concerns, such as hazardous materials disposal handling and disposal costs; (7) grading policies; (8) intersegmental general education transfer curriculum, including literature courses and implementation issues; (9) local senates, including sexual harassment, funding academic senates, and support for local senates; (10) matriculation; (11) professional standards, including those related to contract education and administrative evaluations; (12) students, including tuition and access; and (13) vocational education, including minimum qualifications for occupational programs. Resolutions referred to the executive committee are highlighted in a separate section. Appendixes provide the status and position of the Community College League in the California Community Colleges, Academic Senate bylaws and rules, student equity proposals for action, a response to affirmative action regulations, and notes on proposed matriculation regulations. (JMC)

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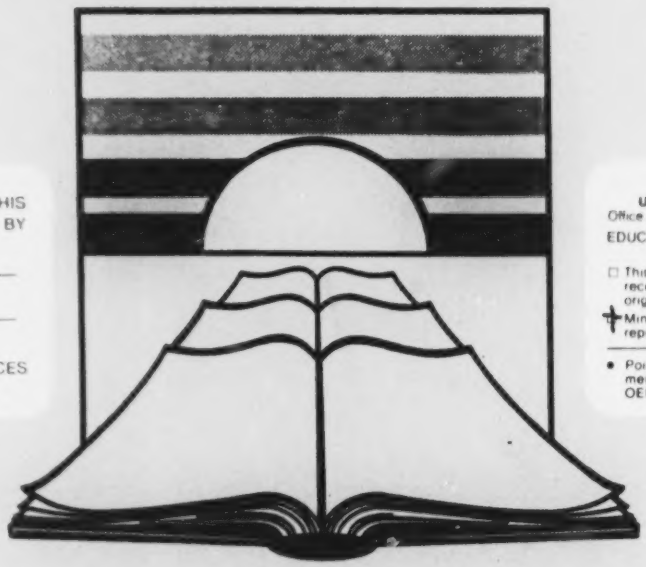
LOS ANGELES AIRPORT MARRIOTT HOTEL
OCTOBER 31-NOVEMBER 2, 1991

RESOLUTIONS
23RD FALL SESSION



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THE ACADEMIC SENATE
FOR
CALIFORNIA COMMUNITY COLLEGES

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JC 910 578

ACADEMIC SENATE
RESOLUTION PROCEDURE

In order to assure that deliberations are organized, effective, and meaningful, the Academic Senate has adopted the following resolution procedure:

1. Pre-session resolutions are developed by the Executive Committee (through its committees) and submitted to the Pre-Session Area Meetings for review.

2. Amendments and new pre-session resolutions are generated in the Area Meetings.

3. The Resolutions Committee meets to review all pre-session resolutions and combine, re-word, append, or render moot these resolutions as necessary. All pre-session resolutions are mailed to Senate Presidents and Delegates about a week before the Session.

4. Members of the Senate meet during the breakout sessions and give thoughtful consideration to the need for new resolutions and/or amendments.

5. After all session presentations are finished, members meet during the resolutions sessions to discuss the need for new resolutions and/or amendments. These sessions are organized by topic to facilitate discussion. Each resolution are amendment must be submitted to the chair of one of these sessions. There are also area meetings at the Session for writing and amending resolutions.

6. The Resolutions Committee meets to review all resolutions and amendments and combine, reword, append or render moot the resolutions as necessary.

7. The resolutions are discussed and voted upon in the general sessions on the last day.

RESOLUTIONS COMMITTEE

Edith Conn, Chair

Evelyn "Sam" Weiss	Mike Anker
Lynda Corbin	Jeanne Rincon-Germond
Leslyn Polk	Jackie Blevins-Fowler

EXPLANATION OF TERMS

M/S/C Moved, Seconded, Carried
M/S/U Moved, Seconded, Unanimous
M/S/F Moved, Seconded, Failed
M/S/R Moved, Seconded, Referred
M/S/T Moved, Seconded, Tabled

Please Note:

1. Supporting documents relating to resolutions are available in the Sacramento Office.
2. Inquiries should be directed to the Sacramento Office regarding resolutions which were:
   A. Declared Moot
   B. Tabled
   C. Failed

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ACADEMIC SENATE
FOR
CALIFORNIA COMMUNITY COLLEGES

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At Large, Leslyn Polk, No. Orange Co. CCD/Noncredit
Area B, Susan Quatre, Gavilan
North, Jacquelyn Reza, De Anza College
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Area A, Jo Sumner, Sierra College

STATEWIDE OFFICE

The Academic Senate for California Community Colleges
1107 Ninth Street, 9th Floor
Sacramento, CA 95814
(916) 445-4753
(916) 323-9867 FAX

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1991 FALL SESSION
RESOLUTIONS ADOPTED AT 1991 FALL SESSION

1. ACADEMIC SENATE

1.1 F91 Standing Committees
Executive Committee, Sam Weiss, Golden West College

Be it resolved that the Academic Senate for California Community Colleges create a standing committee called Standards and Practices, and

Be it further resolved that the charge of this committee is to monitor the standards and practices of the local and state Academic Senates.

M/S/U

DISPOSITION: Executive Committee, local senates

1.2 F91 Research
Area A, Janet Tarjan, Bakersfield College

Whereas the Academic Senate for California Community Colleges is in a position to affect state policies, procedures and legislation, and

Whereas decisions are best made with accurate, current information,

Therefore be it resolved that the Academic Senate for California Community Colleges direct the Executive Committee to explore the possibility of hiring a researcher to assist the Academic Senate to further its purposes.

M/S/C

DISPOSITION: Executive Committee

1.3 F91 Pac Bell/Hayward Award
Area B, Susan Quatre, Gavilan College

Be it resolved that the Academic Senate of California Community Colleges recommend to the Community College Foundation that the Hayward Award retain its original name, and

Be it further resolved that the Executive Committee prepare suggestions to recognize Pac Bell for its support.

M/S/C

DISPOSITION: Board of Governors, Chancellor's Office, local senates, Community College Foundation

1.4 F91 CCLC Issues
Area B, Bill Jacobs, Evergreen College

Be it resolved that the President of the Academic Senate for California Community Colleges urge the President of the Community College League of California to make clear in their public statements that the CCLC Board and Commissions represent only CEOs and trustees, and

Be it further resolved that the President of the Academic Senate for California Community Colleges express the concern that public statements by CCLC implying faculty representation are misleading.

M/S/U

DISPOSITION: CCLC, local senates, CEOs organization, CCCT

1.5 F91 CCLC Report
Executive Committee, Regina Stanback-Stroud, Rancho Santiago

Be it resolved that the Academic Senate for California Community Colleges accept the report on the Community College League of California submitted by Phil Hartley and his committee, and

Be it further resolved that the Academic Senate for California Community Colleges accept the recommendations regarding the Community College League of California on the last page of the Hartley report, as follows:

1. The Academic Senate should refrain from making faculty appointments to the governing board or commissions of CCLC. This position should derive from a concern over the use of resources of the Senate. Faced with identifying, recruiting and appointing faculty to its own and system committees and projects, the Academic Senate should decline to use its processes to appoint faculty to projects with a lessor importance and priority.

The Academic Senate should refrain from making faculty appointments to the governing board or commissions of CCLC.

The Academic Senate urges local senates to support this position by refraining from endorsing any faculty appointments to the governing board or commissions of CCLC.

2. The Academic Senate should not be remiss in responding to inquiries from the Board of Governors or Chancellor's staff concerning CCLC in that CCLC represents a view that does not support the future development of a stronger Board of Governors or Chancellor's Office.

3. Local academic senates may wish to discuss with their local governing board the cost/benefit ratio of CCLC dues in view of the diminished intention to support activities that benefit all segments of the college.

4. Any faculty members choosing to serve on the board or commissions of CCLC on their own volition is representing only an individual viewpoint, not the views of the faculty of the community college system.

5. The Academic Senate for California Community Colleges shall be proactive in communicating to the Board of Governors or Chancellor's staff concerning CCLC in that CCLC represents a view that does not support the future development of a stronger Board Of Governors or Chancellor's Office.

M/S/U

DISPOSITION: CCLC, district and college CEOs, Chancellor's Office, local trustees, local senates

1.6 F91 Rules and Procedures
Executive Committee, Mike Anker, Contra Costa College

Be it resolved that the Academic Senate for California Community Colleges adopt the recommendations from the Ad Hoc Rules and Procedures Committee as amended to amend the rules and bylaws of the Academic Senate.

M/S/U

DISPOSITION: Executive Committee, local senates

1.7 F91 Attendance at Meetings
Frank Rapp, Imperial Valley College

Whereas students in all classes are entitled to the best instruction possible, and

Whereas the best instruction possible occurs when the assigned instructor of the course is present,

Therefore be it resolved that the Academic Senate for California Community Colleges and its committees, whenever possible, hold their meetings at times that will minimize the necessity of faculty members to be absent from their classes.

M/S/C

DISPOSITION: Executive Committee, local senates

1.8 F91 ICAS Representatives' Responsibilities
Regina Stanback-Stroud, Rancho Santiago College

Whereas the Intersegmental Committee of Academic Senates takes positions on curriculum and other academic and professional matters that have long-term and serious effects on California Community Colleges,

Therefore be it resolved that the Academic Senate for California Community Colleges representatives to the Intersegmental Committee of Academic Senates (ICAS) consult with local senates by reporting discussions, actions and any proposed ICAS positions from ICAS meetings to local senates in a timely manner, and

Be it further resolved that the Academic Senate for California Community Colleges direct its representatives to the ICAS to be responsible for the distribution to local senates of the minutes of the meetings of the ICAS and,

Be it further resolved that the Academic Senate for California Community Colleges direct its representatives to the ICAS to inform local senates of the dates of ICAS meetings, and

Be it finally resolved that the Academic Senate for California Community Colleges encourage local senates to attend meetings of the ICAS.

M/S/U

DISPOSITION: Executive Committee, local senates

1.9 F91 Commission on Innovation
Mary Rickman, West Hills Community College

Whereas the Academic Senate has maintained its role in representing faculty issues and interests at the state level, and

Whereas the Board of Governors is establishing a Commission on Innovation with three task forces (education, facilities and management), and

Whereas information exchange and communication among the faculty participants on the task forces, the Executive Committee of the Academic Senate and the general sessions is crucial to ensuring that a consistent faculty position is represented to the Commission,

Therefore be it resolved that the Academic Senate for California Community Colleges develop processes to assure communication between task forces, the Executive Committee, and members of the general sessions.

M/S/U

DISPOSITION: Executive Committee, local senates

2. ACCREDITATION

2.1 F91 Accreditation Self Study Report
Edith Conn, Ventura College

Be it resolved that the Academic Senate for California Community Colleges urge the Accrediting Commission for Community and Junior Colleges to send a copy of the visiting team report to each person signing a college's self-study.

M/S/U

DISPOSITION: Accrediting Commission, local senates

2.2 F91 Accreditation
Mike Anker, Contra Costa College

Whereas AB 1725 has mandated shared governance, and

Whereas Senate resolutions since 1970 ask for greater faculty participation in accreditation, yet faculty participation remains token on visiting teams,

Therefore be it resolved that the Academic Senate for California Community Colleges direct the Executive Committee to develop a position paper on the faculty role on accreditation visiting teams which could include but not be limited to:

1. The final CEO interview
2. Assistant to chair
3. Distribution of preliminary report
4. Proportion of faculty on team (at least 50%)
5. Faculty review of visiting team report
6. Faculty training in accreditation
7. Use of the Senate document "Accreditation: Evaluating the Collective Faculty"
8. Academic Senate involvement in choosing visiting team members

M/S/U

DISPOSITION: Accrediting Commission, Executive Committee, local senates

2.3 F91 Site Visitation Teams
Mary Rickman, West Hills College

Whereas AB 1725 mandates shared governance, and

Whereas the Academic Senate for California Community Colleges has maintained its role in appointing faculty to state committees, and

Whereas the Chancellor's Office sends visitation teams to review and evaluate categorical programs such as matriculation, EOP&S and DSP&S, and

Whereas the Academic Senate has not been involved in nominating faculty for these teams in contradiction to accepted Senate policy,

Therefore be it resolved that the Academic Senate for California Community Colleges urge the Chancellor's Office to select faculty representatives from those nominated by the Academic Senate to serve on site visitation teams to review and evaluate categorical programs in such areas as matriculation, EOP&S and DSP&S and Affirmative Action, and

Be it further resolved that the Academic Senate for California Community Colleges urge the Chancellor's Office to include a majority of faculty on site visitation teams for such categorical programs as matriculation, EOP&S, DSP&S, and Affirmative Action.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, local senates

3. AFFIRMATIVE ACTION/CULTURAL DIVERSITY

3.1 F91 Cultural Diversity Workshops
Area D, Patricia Burtell, Saddleback College

Whereas the Academic Senate is committed to cultural diversity in the curriculum, among the faculty, staff, and students, and

Whereas the Academic Senate is fully supportive of the varied array of multicultural heritages, and

Whereas during recent adverse economic times, acts of racism and prejudice have been noted to increase,

Therefore be it resolved that the Academic Senate for California Community Colleges re-commit to a pluralistic society by establishing programs and workshops to counter racism, urging local senates to recommend to their district boards to investigate and condemn all racist acts or activities and take appropriate corrective actions.

M/S/C

DISPOSITION: Board of Governors, Chancellor's Office, local senates, local boards of trustees, college and district CEOs

3.2 F91 Student Equity Report
Executive Committee, Mike Anker, Contra Costa

Be it resolved that the Academic Senate for the California Community Colleges adopt as amended the report entitled "Student Equity: Proposals for Action" dated October 6, 1991, and

Be it further resolved that the Academic Senate for California Community Colleges urge the Board of Governors to incorporate the recommendations from the "Student Equity Report" into Board policies and Title 5 regulations.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, Legislature, local senates, local boards of trustees, college and district CEOs

3.3 F91 Response to "Affirmative Action Regulations - A Response"
Executive Committee, Jackie Reza, De Anza College

Be it resolved that the Academic Senate for the California Community Colleges endorse as amended the position paper "Affirmative Action Regulations - A Response".

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, local senates, COFO

4. CURRICULUM

4.1 F91 CSU GE Subcommittee
Executive Committee, Jeanne Rincon-Germond, Fullerton College

Whereas the CSU is currently considering changing the membership of its GE Course Review Subcommittee which would exclude community college representation, and

Whereas the California Community Colleges have been represented on the CSU GE Course Review Subcommittee for many years and have thus been able to consult freely with our CSU colleagues,

Therefore be it resolved that the Academic Senate for California Community Colleges direct the Executive Committee to oppose any CSU General Education curriculum review process changes that exclude California Community College representation.

M/S/U

DISPOSITION: CSU Senate, Chancellor's Office, local senates

4.2 F91 CSU Review Committees
Burl Cuffman, Porterville College

Whereas California community college faculty are committed to rigor in all general education courses and eager to provide instruction that assures successful transfer, and

Whereas community college faculty are particularly well-situated to design courses which increase successful transfer for diverse students, and

Whereas the strongest transfer curricula result from in-depth discussion on a case-by-case basis, among colleagues across segmental lines, and

Whereas the CSU General Education Advisory Committee has endorsed a modification of CSU's general education transfer policy which will, after April 1991, exclude community college faculty from any but incidental participation in the process of determining which community college courses will be accepted as meeting CSU's general education requirements, and

Whereas exclusion from such collegial discourse will impede effective innovation, preclude in-depth understanding by community college faculty of specific or subtle CSU standards and concerns, and will stultify curricula by allowing only the most traditional courses to be approved locally,

Therefore be it resolved that the Academic Senate for California Community Colleges request the CSU Academic Senate to establish a joint review process of general education courses.

M/S/U

DISPOSITION: CSU Senate, Chancellor's Office, local senates

5. FACULTY DEVELOPMENT

5.1 F91 Local Leadership Training
Executive Committee, Jo Sumner, Sierra College

Whereas the geography of California restricts the interaction of local faculty senate leaders, and

Whereas there is an increasing need for networking among local faculty senate leaders, and

Whereas there is a need for training faculty in leadership skills and the basic processes of the Academic Senate for California Community Colleges, and

Whereas the cost of the Summer Leadership Institute might be prohibitive for some colleges to send representatives, and

Whereas the participation of the Summer Leadership Institute is limited,

Therefore be it resolved that the Academic Senate for California Community Colleges develop regional leadership workshops as a follow-up to the Summer Leadership Institute, and

Be it further resolved that these regional workshops be two-day events beginning on Friday afternoon and ending on Saturday evening with participants from the Summer Leadership Institute as well as local senate leaders who were unable to attend.

M/S/U

DISPOSITION: Executive Committee, local senates

5.2 F91 Commendation
Executive Committee, Jo Sumner, Sierra College

Be it resolved that the Academic Senate for California Community Colleges commend 1990-91 Senate Faculty Development Committee Chair Irene Menegas and the 1990-91 Faculty Development Committee, including Pam Johnson, conference director, and Mike McHargue, conference facilitator, for their outstanding work in making the first annual Senate Leadership Institute held in July, 1991, at Granlibakken, Lake Tahoe, a successful, meaningful event for all participants.

M/S/U

DISPOSITION: Those named and their college and senate presidents, local senates

5.3 F91 1992 Leadership Institute
Jo Sumner, Sierra College

Be it resolved that the Academic Senate for California Community Colleges urge local senates to send participants to the 1992 July Senate Leadership Institute.

M/S/U

DISPOSITION: local senates

5.4 F91 Flex Calendar
Jo Sumner, Sierra College

Whereas the flexible calendar is specifically designed to promote professional faculty development as an integral part of the responsibilities of community college faculty, and

Whereas professional development is critical in keeping up in our changing fields, and

Whereas maintaining currency is crucial to the viability of our instruction, and

Whereas professional development is more successful when individuals are allowed to design their own programs, and

Whereas the regulations for the flex calendar are interpreted in a variety of ways,

Therefore be it resolved that the Academic Senate for California Community Colleges develop guidelines for the flexible calendar to ensure the flexibility for faculty to complete their obligations.

M/S/U

DISPOSITION: Executive Committee

5.5 F91 New Faculty Orientation
Mike McHargue, Foothill College

Whereas many local senates now realize the importance of orienting new faculty, and

Whereas local senates are also seeking guidance about ways to develop and monitor faculty development programs,

Therefore be it resolved that the Academic Senate for California Community Colleges develop recommendations for local senates to consider as they make plans for orienting, mentoring, and training new faculty.

M/S/U

DISPOSITION: Executive Committee

5.6 F91 Peer Evaluation/Tenure Review
Sally P. Flotho, Golden West College

Be it resolved that the Academic Senate for California Community Colleges recommend to the legislature that, for the purpose of tenure, "peer" be defined as a tenured faculty member.

M/S/C

DISPOSITION: Legislature, COFO, Board of Governors, Chancellor's Office, local senates

5.7 F91 Tenure Evaluation
Sally Flotho, Golden West College

Whereas some have interpreted the requirement in law that "Evaluations shall include . . . a peer review process" is met if a faculty member is permitted to choose to be evaluated by peers, and

Whereas evaluation by faculty in the same discipline or a closely related discipline is an essential element of evaluation,

Therefore be it resolved that the Academic Senate for California Community Colleges urge the legislature to state that the evaluation of each faculty member must include evaluation by another faculty member in the same or a closely related discipline, and

Be it further resolved that the Academic Senate for California Community Colleges urge all parties in local districts to incorporate in the local tenure agreement a requirement for the evaluation of each faculty member by another faculty member in the same or a closely related discipline.

M/S/U

DISPOSITION: COFO, local senates, Legislature, Board of Governors

6. GENERAL CONCERNS

6.1 F91 Hazardous Materials Disposal Cost
Mary Rickman, West Hills Community College

Whereas costs for the handling and disposal of hazardous wastes and materials have been increasing,

Therefore be it resolved that the Academic Senate for California Community Colleges request the Board of Governors to take the lead in encouraging the reduction of costs of handling and disposing hazardous wastes and materials through the recommendation of standard techniques for disposal, and encouraging cooperative efforts among colleges on a regional basis.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, local senates, college and district CEOs, CCLC, FACCC

6.2 F91 Hazardous Materials Handling and Disposal Costs
Mary Rickman, West Hills Community College

Whereas the federal and state governments mandate various waste and hazardous material handling and disposal regulations, and

Whereas the costs of clean-up and disposal of materials designated by these regulations has become a significant percentage of the cost of continuing to offer certain academic and occupational educational programs, and

Whereas the impact of these increased costs may significantly curtail these programs across the curriculum,

Therefore be it resolved that the Academic Senate for California Community Colleges recommend to the Board of Governors that it urge the legislature to appropriate sufficient monies to cover the costs of handling and disposing of hazardous wastes and materials as regulations are implemented.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, local senates, college and district CEOs, CCLC, FACCC, Legislature

7. GRADING

7.1 F91 Grading Policies
Area C, Marty Hittelman, Los Angeles Valley College

Whereas students have a right to know grading policies in their courses in a timely manner, and

Whereas legislation in the area of grading policies has the potential to infringe on academic freedom,

Therefore be it resolved that the Academic Senate for California Community Colleges urge the Board of Governors of the California Community Colleges to amend Title 5 to include the following:

"Community college districts shall adopt a policy to ensure that students have adequate notice of the grading policies for a course or program. 'Adequate notice' and circumstances for changes shall be defined in the policy. The local board shall consult collegially with the academic senate in the development of this policy as provided in sections 53200 and following of this title."

M/S/C

DISPOSITION: Legislature, Board of Governors, Chancellor's Office, local senates

8. INTERSEGMENTAL GENERAL EDUCATION TRANSFER CURRICULUM

8.1 F91 Pass Along Process
Area D, Janis Perry, Rancho Santiago College

Whereas the Chancellor's Office has recommended that a condition of receiving program improvement funds be that colleges assume responsibility for certifying IGETC, and

Whereas certification of courses taken at other community colleges and/or private and public universities is extremely labor intensive, as well as a potential risk to academic integrity for the final certifying college, and

Whereas students move frequently from college to college and may require systematic accountability for courses completed toward successful transfer,

Therefore be it resolved that the Academic Senate for California Community Colleges create an ad hoc committee including community college articulation officers, and direct the committee to develop a proposal for a community college systemwide pass-along process for the Intersegmental General Education Transfer Curriculum, which will enable the final certifying college to certify with confidence their own courses, along with those previously certified and passed along from other community colleges.

M/S/U

DISPOSITION: Chancellor's Office, ICAS, local senates, CCCCA

8.2 F91 IGETC One Course Requirement in Critical Thinking/English Composition
Bill Jacobs, Evergreen Valley College

Be it resolved that the Academic Senate for California Community Colleges direct its representatives to the Intersegmental Committee of Academic Senates to support the position that the IGETC one course requirement in critical thinking/English composition be replaced with a two course requirement: a second course in composition with a composition prerequisite, and one in critical thinking with a local option regarding the composition prerequisite.

M/S/C

DISPOSITION: ICAS, Chancellor's Office, ECCTYC, local senates

8.3 F91 Literature Courses
Christine Barkley, Palomar College

Whereas literature courses encourage a student to question the traditions, values, and ideas of his/her own culture using as models the very best writing and thinking,

Therefore be it resolved that the Academic Senate for California Community Colleges recommend to the Intersegmental Committee of Academic Senates that it reiterate the value of, and the need for, literature courses in the general education transfer curriculum.

M/S/C

DISPOSITION: ECCTYC, Chancellor's Office, local senates, ICAS

8.4 F91 Implementation Issues
Area B, Bill Jacobs, Evergreen College

Be it resolved that the Academic Senate for California Community Colleges urge the Executive Committee of the Academic Senate to address the following issues with our CSU and UC colleagues before implementing the Intersegmental General Education Transfer Curriculum:

1. Whether all colleges within the University of California system will adopt IGETC, and
2. Whether the critical thinking/ English composition courses will be agreed to by all three systems, and

3. An equitable review process for approving courses submitted for IGETC, and
4. Other implementation issues.

M/S/C

DISPOSITION: ICAS, Chancellor's Office, CCCCA

8.5 F91 IGETC Articulation
Sandra Finstuen, Long Beach City College

Whereas the new Intersegmental General Education Transfer Curriculum (IGETC) is supposed to facilitate rather than impede transfer between community colleges and the UC and CSU systems, and

Whereas the existing articulation process between the UC and community colleges requires that all new transfer courses must first be identified as "transfer courses" by the central UC articulation office before they may be added to the IGETC, and

Whereas the articulation process within the UC system delays a course by two or more years due to the lack of staff in the central UC articulation office, and

Whereas the IGETC allows only one opportunity each year for a new course to be added to the transfer curriculum, which then delays a new course still another year, and

Whereas some community college honors programs have been designed specifically for securing avenues of transfer through priority guarantees and for easing the difficulty of student movement between the various community colleges and the UC and CSU systems, and

Whereas some honors programs require a separate curriculum to achieve ease of transfer, and also require a separate curriculum to achieve these goals,

Therefore be it resolved that the Academic Senate for California Community Colleges urge the Intersegmental Committee of Academic Senates to endorse the concept that UC perform transfer and IGETC evaluation at the same time.

M/S/U

DISPOSITION: Chancellor's Office, ICAS, UC BOARS local senates, CCCCA

8.6 F91 IGETC Consultation Among Higher Education Segments
Christine Wagner, Cosumnes River College

Whereas the IGETC review process did not involve California Community College faculty, and

Therefore be it resolved that the Academic Senate for California Community Colleges direct its Executive Committee and representatives to the Intersegmental Committee of Academic Senates to negotiate with the CSU and UC segments for full California community college faculty involvement in all stages of the IGETC course review process, and

Be it further resolved that the Academic Senate for California Community Colleges direct its Executive Committee and ICAS representatives to negotiate with the CSU and UC segments for an IGETC appeal process that includes equal intersegmental faculty representation in all stages of the process.

M/S/U

DISPOSITION Chancellor's Office, ICAS, local senates, Executive Committee

8.7 F91 IGETC Prerequisite Survey
Bill Scroggins, Chabot College

Be it resolved that the Academic Senate for California Community Colleges direct the Executive Committee to develop a questionnaire to survey the positions of local senates regarding the appropriateness of a freshman composition prerequisite for the IGETC Critical Thinking/English Composition course, and

Be it further resolved that the Academic Senate for California Community Colleges schedule at a future session a discussion of the freshman composition prerequisite for the IGETC Critical Thinking/English Composition course requirement.

M/S/C

DISPOSITION: Executive Committee

9. LOCAL SENATES

9.1 F91 Faculty Acknowledgement
Area D, Bob Michaels, San Diego Mesa College

Be it resolved that the Academic Senate for California Community Colleges encourage local academic senates to publicly recognize local faculty for their work on state senate committees.

M/S/U

DISPOSITION: local senates, college and district CEOs

9.2 F91 Sexual Harassment
MidCoast Area C, Edith Conn, Ventura College

Be it resolved that the Academic Senate for California Community Colleges urge each local senate to make readily available to students and staff the college policy on sexual harassment.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, local senates, college and district CEOs

9.3 F91 Funding Academic Senates
Michael Widener, Compton College

Whereas AB 1725 (Chapter 973 Statutes of 1988) substantially increased the role of academic senates in shared governance, and

Whereas the Academic Senate Spring Session 1991 adopted a resolution recommending that local governing boards designate a line item in district budgets to provide adequate funding support to academic senates,

Therefore be it resolved that the Academic Senate for California Community Colleges urge the state Chancellor's Office to assign a budget activity number for district budgets for local academic senates, and

Be it further resolved that the Academic Senate for California Community Colleges recommend to the Board of Governors that it urge local boards of trustees to create an annual line item within their budgets for each local academic senate.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, local senates, local boards of trustees, college and district CEOs

9.4 F91 Support for Local Senates
Bill Mark, Lassen College

Whereas the local academic senates have been given the primary responsibility for curriculum under Title 5, and

Whereas the concept of shared governance under AB 1725 demands that the districts make it possible to participate,

Therefore be it resolved that the Academic Senate for California Community Colleges recommend to the Board of Governors that it encourage districts to provide sufficient time and appropriate support staff to local academic senates so that they can achieve their expanded responsibilities in the areas of curriculum and academic standards.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, local senates, local boards of trustees, college and district CEOs

10. MATRICULATION

10.1 F91 Matriculation and Noncredit
Area D, Leslyn Polk, North Orange Community College District

Whereas the Academic Senate for California Community Colleges recognizes that an increasing number of students are enrolled in noncredit basic skills and noncredit ESL courses, and

Whereas these students are generally new Californians who require vigor and vitality in college support services to ensure their success in transfer and vocational courses, and

Whereas it is critical that these students be prepared for transfer and vocational coursework, and

Whereas noncredit ESL and noncredit basic skills students have traditionally been excluded from campus student service programs which improve successful matriculation to further educational pursuits, and

Whereas past legislation addressing matriculation of students in California Community Colleges has excluded noncredit students,

Therefore be it resolved that the Academic Senate for California Community Colleges explore access to existing matriculation programs for students in noncredit basic skills, noncredit ESL, and noncredit vocational courses, and explore additional matriculation programs for students in noncredit basic skills, noncredit ESL and noncredit vocational courses.

M/S/U

DISPOSITION: Executive Committee

10.2 F91 Matriculation Report
Executive Committee, Mike Anker, Contra Costa

Whereas the proposed "technical changes" to the matriculation regulations are in some instances substantive changes, and

Whereas the Academic Senate acknowledges that the Chancellor's office staff has responded to two Senate concerns in the "technical changes", and

Whereas matriculation issues require in-depth study and analysis,

Therefore be it resolved that the Academic Senate for California Community Colleges accept the Educational Policies Committee discussion paper on Matriculation dated October 6, 1991, and

Be it further resolved that the Academic Senate for California Community Colleges support the Chancellor's formation of a task force to study matriculation issues, and

Be it further resolved that the Academic Senate for California Community Colleges urge the Chancellor to accept Academic Senate faculty appointments to be a majority on the Chancellor's task force to study matriculation issues, and

Be it further resolved that the Academic Senate for California Community Colleges recommend that the Educational Policies Committee continue to consider matriculation issues and bring recommendations to a future Senate session, and

Be it finally resolved that the Academic Senate for California Community Colleges urge the Board of Governors to postpone the adoption of any matriculation regulations changes until the Academic Senate has had time to make recommendations.

M/S/U

DISPOSITION: Board of Governors, Chancellor's Office, Legislature, local senates, CCCCA, college and district CEOs

11. PROFESSIONAL STANDARDS

11.1 F91 Not-For-Credit Instructor Qualifications
Executive Committee, Susan Quatre, Gavilan College

Whereas the designation "not-for-credit" refers to classes, including community services classes, that are offered without credit and which are not eligible for apportionment, and

Whereas there are no regulations that address minimum qualifications for service of not-for-credit instructors, and

Whereas not-for-credit courses often have to satisfy community college needs in a timely manner,

Therefore be it resolved that the Academic Senate for California Community Colleges recommend to the Board of Governors that the qualifications for hire of not- for-credit instructors remain under local control, and

Be it further resolved that the Academic Senate for California Community Colleges develop guidelines for local districts to use when hiring not-for-credit instructors.

M/S/C

DISPOSITION: Board of Governors, Chancellor's Office, local senates, college and district CEOs, local boards of trustees

11.2 F91 Contract Education
Executive Committee, Susan Quatre, Gavilan

Whereas contract education has become increasingly important to many community colleges, not only as an alternative means of serving the educational needs of the community, but also as an alternative means of generating funds independent of normal sources, and

Whereas the interest of the Academic Senate for California Community Colleges in contract education is to ensure that the academic integrity of individual colleges and of the community college system is upheld while engaging in educational partnerships that are mutually beneficial, and

Whereas it is our belief that academic integrity is best maintained by the involvement of local faculty, and

Whereas this involvement is particularly critical in the areas of course development, faculty hiring, and faculty evaluation, and

Whereas the principle that local faculty are responsible for ensuring that quality courses be taught by qualified instructors is included in Title 5 and in AB 1725, a principle which applies equally to courses offered through contract education, and

Whereas another concern of the Academic Senate for California Community Colleges is that colleges while engaging in contract education not lose sight of the mission of the California Community Colleges in the areas of transfer education, vocational education, and basic skills Education, and that any other motive be secondary to fulfilling this mission,

Therefore be it resolved that the Academic Senate for California Community Colleges reaffirm that local senates:

1. Develop procedures that will use the same approval processes used for contract credit and noncredit education courses as are used for regular credit, noncredit and not-for-credit courses respectively, and
2. Remind their districts to use the minimum qualifications that were developed for credit and noncredit disciplines respectively when hiring faculty to teach contract credit and noncredit education courses, and
3. Determine how faculty are hired to teach contract credit and noncredit education courses in their districts, and
4. Work within their districts to ensure that when hiring faculty to teach contract credit and noncredit education courses, these faculty

11.3 F91 Administrative Evaluations
Stephen Greene, San Diego Miramar College

Be it resolved that the Academic Senate for California Community Colleges reaffirm its position (supported in AB 1725) that faculty be involved in administrative evaluations, and

Be it further resolved that the Academic Senate for California Community Colleges direct the Executive Committee to prepare a report on administrative evaluations for discussion at the 1992 Spring Session.

M/S/U

DISPOSITION: Executive Committee

12. STUDENTS

12.1 F91 Tuition and Access
Area C, Gordon Purser, Glendale College

Be it resolved that the Academic Senate for California Community Colleges direct the Executive Committee to examine the relationship between tuition and access to community colleges.

M/S/C

DISPOSITION: Executive Committee

13. VOCATIONAL EDUCATION

13.1 F91 Bachelor of Vocational Education
Executive Committee, Susan Quatre, Gavilan College

Whereas the Bachelor of Vocational Education has traditionally been an effective vehicle for vocational education faculty to obtain a bachelor's degree, and

Whereas the Bachelor of Vocational Education has very limited availability in northern and central California, and

Whereas the satellite and digital technology exists to deliver the Bachelor of Vocational Education degree to even small and rural community college faculty,

Therefore be it resolved that the Academic Senate for California Community Colleges encourage the Chancellor of the California State University system to increase the availability of the Bachelor of Vocational Education in those areas not currently being served to enable vocational faculty hired after January 1, 1995 to qualify for tenure in 1999.

M/S/U

DISPOSITION: CSU Chancellor's Office, Chancellor's Office, local senates

13.2 F91 Minimum Qualifications/Occupational Programs
Area D, Sandra Finstuen, Long Beach City College

Whereas it is of utmost importance to have instructors in occupational programs who are knowledgeable and experienced in their fields, and

Whereas the extensive preparation in many occupational areas does not allow for concurrent traditional academic preparation, and

Whereas community college occupational programs may be in jeopardy because of the lack of availability of potential instructors with both occupational and academic backgrounds,

Therefore be it resolved that the Academic Senate for California Community Colleges study the impact of, and issues surrounding minimum qualifications on occupational programs and instructors.

M/S/U

DISPOSITION: Executive Committee

1991 FALL SESSION
RESOLUTIONS REFERRED TO EXECUTIVE COMMITTEE

1.R F91 Amendment to "Affirmative Action Regulations - A Response"
Jackie Reza, De Anza College

Amend by replacing #5 in the "Response" which reads:

5. Validation of hiring criteria may be done by, among other methods, a group of faculty in the discipline in question who, after discussion with an affirmative action professional, certify that in their professional opinion the possession of the quality in question is either necessary to adequate performance in the discipline in . . .

Replace with the following:

Locally established qualifications beyond state minimum qualifications are shown to be job related through a process consistent with the requirements of federal law. This process is to be developed on each campus with faculty from within the discipline and outside the department/division with the participation of an Affirmation Action professional. When this process has been completed, selection may begin even where underrepresentation continues to exist in the applicant pool.

M/S/R

2.R F91 Amendment to "Affirmative Action Regulations - A Response"
Jackie Reza, De Anza College

Amend Section 6 by adding the underlined words as follows:

For every discipline requiring a master's degree as the minimum qualification, the master's degree or equivalent in the discipline will be presumed to be a valid desirable qualification without requiring validation <u>as previously determined</u> at the specific college or district.

M/S/R

3.R F91 Uniformity of Lower Division Transfer Requirements
Paul Setziol, Foothill/De Anza College

Whereas the educational needs of the student should be uppermost in the minds of educators in community colleges, state university and California university systems, and

Whereas many students who have transferred and/or graduated from our community colleges have not been accepted as third year (Junior) students in many disciplines, and

Whereas this action creates both a financial and psychological hardship on many students, and

Whereas the community colleges of California are capable of providing lower division courses for nearly all disciplines, and

Whereas the curriculum for all disciplines should be similar in all California colleges and universities for each year of progress in order to aid the student in completing his/her education in the shortest time possible and with consistency, and

Whereas the California student should be able to change institutions at any time during his/her post secondary education and be guaranteed a curriculum that will be accepted from one institution to another be it community college, CSU or UC system, and

Whereas all the educational institutions in California should be working in concert to assist the student to successfully complete his/her educational goals, and

Whereas funding for all public educational institutions comes from one main source, the California state budget,

Therefore be it resolved that the Academic Senate for California Community Colleges initiate a dialogue with the CSU and the UC senates to develop a discipline by discipline transfer curriculum, that meets the lower division requirements for each discipline system-wide.

M/S/R

4.R F91 Bachelor of Vocational Education
Midcoast Area C, Charles Varni, Allan Hancock College

Be it resolved that the Academic Senate for California Community Colleges recommend to the Executive Committee that it develop a procedure before the 1999 deadline for vocational teachers to acquire a bachelor's degree, whereby exceptional cases may be anticipated and waivers permitted so that vocational teachers will not lose tenure, and

Be it further resolved that the Executive Committee develop waiver procedures and models for local senates.

M/S/R

5.R F91 Vocational Education Interns
Susan Quatre, Gavilan College

Whereas AB 1725 encourages the California Community Colleges to utilize faculty interns to develop a more diverse faculty applicant pool, and

Whereas AB 1725 addresses for the intern program only those disciplines requiring a master's degree, and

Whereas the need exists to develop a diverse faculty applicant pool in those disciplines not requiring a master's degree,

Therefore be it resolved that the Academic Senate for California Community Colleges support the concept of faculty interns for those disciplines not requiring a master's degree and seek the support of the legislature to permit such interns.

M/S/R

6.R F91 Response to "Affirmative Action Regulations - A Response"
Executive Committee, Jackie Reza, De Anza College

5. Validation of hiring criteria may be done by, among other methods, a group of faculty in the discipline in question who, after discussion with an affirmative action professional, certify that in their professional option the possession of the quality in question is either necessary to adequate performance in the discipline in question or desirable for fully effective performance in that position. [See section 53023, page 8]

M/S/R

THE STATUS & POSITION OF THE COMMUNITY COLLEGE LEAGUE IN THE CALIFORNIA COMMUNITY COLLEGES

A Report to the Executive Committee of
The Academic Senate

July 19, 1991

Background

The current organization titled the Community College League of California traces its roots as an organization to as early as 1930 when a constitution was ratified for the California Junior College Federation which represented some 34 junior colleges enrolling approximately 20,000 students. Since the organization was founded long before the presence of a Chancellor's Office, a Board of Governors, or a statewide academic senate, the history of the structure and goals of the organization has largely been in reaction to the changing statewide scene (e.g. from 1934 to about 1960 the organization had a formal affiliation with the California Teachers Association). Therefore, a recounting of specific events, name changes, or stages in this organization's history prior to the latter months of 1989 is not very germane or useful to a discussion of the faculty's response statewide to the present process of dissolving the California Association of Community Colleges (CACC) in favor of establishing the new Community College League of California (CCLC).

The movement towards organizational dissolution, merger, and reorganization was, in part, engendered by the resignation of the Executive Director of CACC in August, 1989 and the pending retirement of the Executive Director of the trustee organization (CCCT). This lead to a inevitable discussion among some trustees and college presidents about the possible cost benefits of combining office and professional staff from CACC and the trustee's organization (CCCT) and discussion among others about having a more politically active, statewide voice for administrator/trustee concerns. Clearly, different trustee and administrative leaders had different agendas, but these agendas were complimentary, so in spite of a lack of consensus about the new organization, the movement toward its creation gained momentum and resulted in the present state of affairs.

Phil Hartley chaired the Ad Hoc Committee on CCLC -- this is their report.

Events

A. December, 1989: Discussions on the advisability of a merger of the CEO, CCCT and, possibly, the Association of California Community College Administrators (ACCA) reach a serious stage. The President of the Academic Senate participates in two of these discussions although it is made clear from the outset that the Senate will not "join" any new organization but might have a role in appointing the faculty members of the new organization's governing board. The Senate President participates in the drafting of a position announcement for the director of the merged organization.

B. As a result of discussions of the Executive Committee, the Academic Senate forwarded a communication to the "Merger Task Force" in February, 1990, indicating that Senate participation in the selection of faculty on any organization's governing board was contingent on a "United Nations Security Council" like arrangement where the participating organizations would retain their rights to take independent positions on state policy matters and the umbrella organization would refrain from taking such positions in the absence of a consensus between the participating organizations.

C. In February, 1990 the CACC Board of Directors distributes a ballot to "electors of the CACC" which constitutionally includes a trustee, a CEO, a faculty member and a student from each member college. The ballot asks the electors to approve the expenditure of funds to "complete the combining of the nonprofit corporations" and to "retain an Executive Director of the new association."

D. The Merger Task Force rejects the Academic Senate's proposal for such an arrangement on March 7, 1990.

E. The plenary session of the Academic Senate in April, 1990, adopts a resolution requiring that any plan wherein the Senate makes appointments to any other organization's governing board must be approved by a vote of the Academic Senate. The Senate thus far has declined to approve such an appointment process for CCLC.

F. On September 22, 1990 the CACC Board of Directors (which includes faculty) votes to dissolve CACC.

G. In October, 1990 a second ballot was distributed by the CACC Board of Directors to the "membership" of CACC which asked approval to dissolve and wind up the affairs of CACC. The ballots were sent to CEOs at member institutions.

The results of this ballot were that 55 districts approved the dissolution, one district abstained in writing, and 15 districts did not return the ballots approved.

H. The most recent organizational plan for the newly formed CCLC was published on June 25, 1991.

Status

As of June 19, 1991, CACC has not been legally dissolved. The combined staff, Board of Directors and new Executive Director of CCLC are publishing materials, taking public legislative positions, participating in Chancellor's Office consultations and planning future activities as a fully functional organization. Presumably, the financial assets of CACC are being used to support these activities.

CACC/CCLC has, as of this date, filed the necessary dissolution documents in the office of the Secretary of State and Attorney General's Office, but has not received approval by the Attorney General for the distribution of the assets of CACC as required by the corporations code sections of state law. Before either of these procedures can be completed, CACC/CCLC must request and receive from the Franchise Tax Board a document referred to as a Tax Clearance Certificate. As of this date this document has not been issued.

Issues

The following is a discussion of the four issues raised in a resolution adopted at the Spring, 1991 Session of the Academic Senate.

1. Did CACC/CCLC fail to follow their bylaws in proceeding with the reorganization?

The bylaws of CACC vest primary decision making with its Board of Directors. The "members" of CACC are defined as institutions. In addition to the Board of Directors and "members", the bylaws also establish a category of participants referred to as "electors". These electors are defined as one trustee, one administrator, one faculty member and one student from each member institution. These electors are not voting members of the organization, rather their role is limited to electing members of the Board of Directors, providing advice as requested, and forming the pool from which members of the Board of Directors are elected.

The above mentioned issue arises out of a great deal of predictable confusion that was created when the CACC Board distributed ballots first to electors. Understandably, most faculty thought they and the other "electors" were being asked for permission to proceed with the reorganization of CACC. Instead, the ballot only served to provide the CACC Board with advice on whether to proceed.

Since the bylaws of CACC vest decision making with the Board of Directors and while the Board may choose to seek the advise of its constituents, the bylaws do not seem to require such a vote. Even if a vote of the "members" were deemed to be required, it could be reasonably argued that each district is a member with one vote. This vote would seemingly be cast by the local governing board of each district, however, it is common practice in the community colleges for the governing board to speak via their designee (most usually the CEO). In the present case, the attorney for CACC/CCLC developed the ballot and made the decision to distribute it to the CEO's of the districts.

Therefore, on the face of it, it would not seem that CACC/CCLC did follow their by-laws in making the decision to reorganize.

2. Did CACC/CCLC fail to follow nonprofit corporation law in the dissolution move?

The voluntary dissolution a California nonprofit corporation is initiated by an election to dissolve. The election to dissolve may be made by the vote or written consent of a majority of all the members of the corporation. In the case of CACC/CCLC the members of the organization are the districts. Presumably, the October, 1990 ballot to dissolve and wind up the affairs of CACC that was distributed to CEOs of member districts accomplished this requirement. Since a majority of the districts cast affirmative ballots then it would appear that CACC/CCLC has complied with California nonprofit corporation law.

However, CACC/CCLC has not, as of this date, filed the necessary dissolution documents in the office of the Secretary of State nor received approval by the Attorney General for the distribution of the assets of CACC as required by the corporations code sections of state law. Before either of these procedures can be completed, CACC/CCLC must request and receive from the Franchise Tax Board a document referred to as a Tax Clearance Certificate. As of this date this document has not been issued. Next the Attorney General must issue a written waiver of objection.

These processes are projected to occur sometime between the first of August and late September, 1991.

3. Has there been co-mingling of CACC and CCLC assets?

Prior to the reorganization of CACC, CCLC had no assets of its own. Since its inception, therefore, it was dependent on the assets of merging organizations, notably CACC and CCCT. With the advent of the 1990-91 academic year, CCLC collected institutional dues in its own name thus creating its own funding base. It is unclear at this point whether expenditures have been made from the ending balance of CACC's 1989-90 budget, or to what extent assets of CCCT have been used to support CCLC.

4. The use of public funds to support lobbying activities.

The scope, manner, and appropriateness of publicly supported organizations engaging in "education" or lobbying of the legislature is a complex, unresolved issue in California. While there are federal and state laws that govern the amount of a nonprofit organization's resources that can be used for lobbying activities, there do not appear to be any specific prohibitions against such activities other than some related to contributions to campaign funds.

It is interesting to note that in 1980 the Legislative Analyst's Office made a similar inquiry of CCJCA, the forerunner of CACC/CCLC. The Chancellor's Office was mandated to study this question, among others, with reference to CCJCA. The subsequent study was largely a survey rather than legal analysis and concluded that a large majority of trustees, administrators and faculty supported the lobbying efforts of CCJCA.

It is beyond the ability of the Academic Senate to resolve this question in a state where such practice is commonplace and not readily comparable to great deal of case study. It is clear from CCLC publications and the views of the current Executive Director, that CCLC intends to engage in lobbying in the legislature for its positions and believes that such activities are an appropriate use of its resources.

ANALYSIS

An apt analogy to the present case of CACC/CCLC might be a charitable organization that over a period of years collects funds for a given cause and then decides that a different cause is more deserving of the organization's efforts. The organization then moves to dissolve itself, set up a new organization, and transfer the accumulated assets and fund raising capacity from the dissolved organization to the new organization.

In CCLC's case, the new cause is to provide a stronger voice for administrative/trustee views, provide strong legislative advocacy of these views, retain a "local control" focus and, as such, provide an alternative voice to the Board of Governors and Chancellor's Office. A more cost effective operation is also a goal of the reorganized structure.

The establishment of CCLC presents one view of the future development of the community colleges in California that argues for a voluntary association largely representing the views of local boards and CEOs as the best way to represent the system to the public and legislature. This view contrasts with the development of a strong state Board of Governors, consultation process, Chancellor's Office, and a larger role for faculty in governance, thus advancing the system toward the higher education model envisioned by AB1725.

While legal and compliant with relevant regulations, some may question the wisdom, fairness and ethics of the new organization. More specifically, the transfer of assets from a more professional development/research cause to political advocacy and the presumption of "institutional" representation in the absence of an equal voice for faculty may lead many faculty leaders to question the future worth of the new organization in advancing the best interests of community college education in California.

RECOMMENDATIONS

1. The Academic Senate should refrain from making faculty appointments to the governing board or commissions of CCLC. This position should derive from a concern over the use of resources of the Senate. Faced with identifying, recruiting and appointing faculty to its own and system committees and projects, the Academic Senate should decline to use its processes to appoint faculty to projects with a lessor importance and priority.

2. The Academic Senate should not be remiss in responding to inquiries from the Board of Governors or Chancellor's staff concerning CCLC in that CCLC represents a view that does not support the future development of a stronger BOG or Chancellor's Office.

3. Local academic senates may wish to discuss with their local governing board the cost/benefit ratio of CCLC dues in view of the diminished intention to support activities that benefit all segments of the college.

1991 SPRING SESSION RESOLUTIONS

APRIL 11-13, 1991 RADISSON HOTEL, SACRAMENTO

1.5 S91 CACC/CCLC Issue
Regina Stanback-Stroud, Rancho Santiago College

Be it resolved that the Academic Senate for California Community Colleges consider filing a complaint with the Attorney General's office to prompt a closer examination of CACC/CCLC's possible
- failure to follow by-laws in the proposed reorganization,
- failure to follow nonprofit corporation law in the dissolution,
- commingling of CACC and CCLC assets,
- use of public funds to support lobbying activities.

THE ACADEMIC SENATE FOR CALIFORNIA COMMUNITY COLLEGES, INC.
Bylaws

Preamble

We, the faculty of the California Community Colleges, through the local academic senates, do hereby establish the Academic Senate for California Community Colleges, Inc., in order to promote the best interests of higher education in the state and to represent the faculty in all California Community Colleges at the state level.

ARTICLE I
Name and Definitions

Section 1. Name:
The official name of this organization shall be the Academic Senate for California Community Colleges, Inc.

Section 2. Definitions:
The following terms are used frequently throughout the Bylaws and Senate Rules. Whenever encountered, these terms are to be understood in the restrictive and technical sense herein defined.

A. Faculty member:
Any certificated employee of a district whose terms of employment do not demand a supervisory or administrative credential and who is not declared as holding a management position.

B. Academic senate:
As defined in Title 5 of the Administrative Code.

C. Equivalent faculty organization:
Any organization of faculty members which, where a local academic senate does not exist, has among its primary purposes those enumerated for an academic senate under Title 5 of the Administrative Code, and has been certified as a member by the Executive Committee of the Academic Senate for California Community Colleges.

D. Member:
An academic senate or equivalent faculty organization certified by the Executive Committee of the Academic Senate for California Community Colleges.

E. Senator:
An individual who, (1) by reason of election as an officer or member of the Executive Committee or, (2) by selection by a member, enjoys full voting rights at both regular and special general sessions of the Academic Senate for California Community Colleges. Any individual claiming Senator status must also be in compliance with the provisions of Article II, sections 2 and 3. This definition notwithstanding, an individual may be a Senator without voting rights in the manner authorized in Article III, section 2.

F. Petition:
The text of a resolution for a referendum or a Bylaw change also containing all the requisite signatures or authorizations as called for by these Bylaws.

ARTICLE II
Purposes

Section 1. Aims:
It shall be the purpose of the Academic Senate to

A. Represent the faculty of the California Community Colleges and thereby insure a formal and effective procedure for participating in the formation of statewide policies on academic and professional matters.
B. Strengthen local academic senates or other equivalent faculty organizations in the California Community Colleges.
C. Develop policies and promote the implementation of policies on matters of statewide concern.
D. Make recommendations on statewide matters affecting the California Community Colleges.

Section 2. Functions:

A. Assume responsibilities and perform functions as may be delegated to it by the local academic senates or other equivalent faculty organizations of California Community Colleges and by the Board of Governors of California Community Colleges.
B. Provide statewide communication between local academic senates or other equivalent faculty organizations in order to coordinate the actions and requests of the faculty of the California Community Colleges.
C. Initiate policy positions relevant to California Community Colleges and their role in higher education.

ARTICLE III
Academic Senate for California Community Colleges

Section 1. Membership:
The academic senate of each of the California Community Colleges and the district academic senate of multi-college districts or their equivalents are members of the Academic Senate for California Community Colleges, Inc.

Section 2. Senators:
~~All Senators at the general session shall be faculty members.~~ Each member (Local Senate--see Article I, D) is entitled to select any of its faculty members, in whatever manner it wishes, to be its one Senator, who shall have full voting rights at all general sessions. The president of a college senate or others as specified in the rules, may assume full voting privileges, except for voting in elections, when the Senator from that college is not present. In addition, each of the Executive Committee members shall be Senators and have full voting rights at the general session. No Senator shall be entitled to more than one vote, and a vote cannot be cast by proxy. Ex officio, non-voting Senators may be provided for in the Senate Rules.

Section 3. Challenges:
In the event of a challenge, the Executive Committee shall be the sole judge of the credentials of a Senator.

Section 4. General Sessions:
The Academic Senate for California Community Colleges shall meet in general session at least two times during each academic year.

Section 5. Powers and Duties:
The Academic Senate for California Community Colleges in general session shall be the sole policy-making body of this organization.

ARTICLE IV
Officers

Section 1. List of Officers:
The officers of the Academic Senate shall include the President, Vice President, Secretary, Treasurer, and Immediate Past President. All officers except the Immediate Past President shall be elected at a general session of the Academic Senate for California Community Colleges for one-year terms. The term of all officers shall be July 1 to June 30.

Section 2. Past President:
The President, only upon completion of his or her final elected term of office, shall serve as immediate Past President. The immediate Past President shall remain in that office as long as he or she is the immediate Past President.

Section 3. Vacancy in office:
A vacancy in office shall be filled in accordance with the Senate Rules.

Section 4. President's Term:
The President shall serve no more than two consecutive elected one-year terms.

ARTICLE V
Executive Committee

Section 1. Membership
The Executive Committee shall consist of the officers and ten members. All Executive Committee members ~~shall be Senators or local senate presidents at the time of their election and~~ must retain their faculty status to continue in office.

Section 2. Selection and Term:
All candidates for election as an officer or member of the Executive Committee shall be a Senator or a local senate president or have been a local senate president or an Executive Committee member or officer within the three years immediately preceding the election. In the event no one from a particular member senate who meets these qualifications chooses to be a candidate, that senate may by resolution authorize any one member of its faculty to be a candidate. The minutes of the meeting at which that resolution was adopted must be submitted prior to the individual's being nominated. The ten members of the Executive Committee shall be elected by the general session on the basis of geographic representation as prescribed in the Senate Rules. All members of the Executive Committee except the officers shall serve for two-year staggered terms. Terms of office shall commence on July 1 and end on June 30.

Section 3. Voting:
All members of the Executive Committee shall have full voting privileges in the Executive Committee.

Section 4. Vacancy in office:
A vacancy in office shall be filled in accordance with the Senate Rules.

Section 5. Meeting:
The Executive Committee shall meet no fewer than five times each year.

Section 6. Powers and Duties:
The Executive Committee shall adopt its rules of procedure, implement policies adopted by the general session, act on behalf of the Academic Senate in the period between general sessions, transact business, and perform other functions not inconsistent with the intent, purposes, and provisions of the Bylaws and Senate Rules.

ARTICLE VI
Committees and Appointments

Section 1. Committees:
Standing committees shall be specified in the Senate rules. The President shall create all other committees and make all appointments to all committees subject to the approval of the Executive Committee.

Section 2. Committee Chair:
The Chair of each committee shall be a Senator and shall be selected for that position by the President with the approval of the Executive Committee.

Section 3. Special Assignments:
With the approval of the Executive Committee, the President may assign various individuals special tasks which are from time to time deemed necessary.

Section 4. Terms and Removal:
The terms of all persons appointed to committees or special assignments shall last for the duration of the President's term or any shorter period specified by the President. Any appointee can be removed by a simple majority vote of the Executive Committee.

ARTICLE VII
Action

Section 1. Quorum:
A quorum for the conduct of the Executive Committee and all other committees shall consist of a number equal to the majority of the organ involved. A quorum for the conduct of a general or special session of the Academic Senate for California Community Colleges shall be a number of voting senators equal to or greater than the majority of the community colleges.

Section 2. Referendum:
~~A referendum on an action taken by the Academic Senate for California Community Colleges may be called by a petition requesting such action signed by representatives of one-fifth (1/5) of the members. Upon receipt of the petition the President shall, within thirty (30) days, mail ballots for the proposal to each member. Approval of the referendum shall require a majority vote of all members casting a ballot, provided that ballots are cast by a simple majority of the members. If a majority of the members have not cast a ballot within six (6) months of the mailing of the ballot, the referendum shall have failed.~~

A. Any resolution of the Academic Senate for California Community Colleges may be rescinded by a referendum of the members. (see Article I, Section 2D). Such a referendum shall be held if at least one-fifth (1/5) of the members request it within 60 days after the mailing of the resolutions packet of the session at which the resolution was adopted. Each member's request must be made by resolution of the member. That resolution must be submitted in writing to the office of the Academic Senate and must include the signature of the local academic senate president.

B. Upon receipt of such requests from at least 1/5 of the members, the president shall mail ballots on the referendum to each member. The president shall mail the ballots within 30 days of receiving the needed number of requests.

C. The members have 90 days from the day the ballots are mailed in which to have their ballots delivered to the senate office. If ballots from a majority of the members have not been received in the senate office within the 90 days, the referendum shall have failed. The referendum shall pass if the majority of the members vote in favor of it within the 90 days.

D. If the referendum is approved, then the resolution of the general session is rescinded and becomes null and void.

Section 3. Communications:
In order to provide adequate communication with the faculty of the California Community Colleges, the Senate shall circulate among each and all faculty in the California Community Colleges such materials as agendas and minutes of its meetings, committee reports and other pertinent information on pending matters.

ARTICLE VIII
Amendments of the Bylaws

Section 1. Proposal:
Proposed amendments to these Bylaws shall become part of the agenda of a general session upon receipt by the President of:

A. A petition signed by a majority of Senators present at the general session at which it was proposed, or
B. A petition of one-fifth (1/5) of the members, or
C. A petition of the Executive Committee.

A petition under b or c above must be noticed in writing to the members at least two weeks prior to the general session at which it will be voted upon.

Section 2. Ratification:
Ratification for adoption shall require a simple majority of the Senators present.

ARTICLE IX
Procedures

Section 1. Senate Rules:
The Academic Senate for California Community Colleges may adopt Senate Rules to establish rules of procedure and other provisions for implementing the intent and purposes of these Bylaws or the Senate Rules. In cases not provided for in the Senate Rules, the procedures contained in Robert's Rules of Order, Revised shall govern the meetings of the general sessions and Senate committees.

Section 2. Adoption:
Senate Rules shall be adopted by a majority vote of the Senators present at a general session.

ARTICLE X
Ratification of the Bylaws

Section 1. Procedure:
These Bylaws shall become operative when ratified by a majority of the academic senates of the California Community Colleges. (This ratification was achieved on March 7, 1969.)

THE ACADEMIC SENATE RULES

1. Vacancies on the Executive Committee:
   Vacancies on the Executive Committee shall be filled by Executive Committee appointment. Appointees shall be senators or local senate presidents at the time of their appointment except in the case of a vacancy in the past president's position, when the Executive Committee should first consider previous past presidents as candidates so long as they have faculty status. If the unexpired term extends beyond a general session, the appointment shall be subject to ratification by the Academic Senate at that general session. If the Academic Senate general session fails to ratify, it shall elect a person to fill the vacancy at that meeting. If a vacancy is anticipated early enough for it to be filled by an election at the general session, the vacancy shall be filled by election rather than appointment. Failure to attend three successive Executive Committee meetings shall be deemed a resignation. Upon written request, the Executive Committee, by majority vote, may grant a leave of absence of up to six months to an Executive Committee member. If the leave is approved, the Executive Committee may make an interim appointment to the Executive Committee for the duration of the leave.

2. Staggered Terms for Executive Committee Members:
   Two Executive Committee members shall be elected from points north of a line extending due east from Goleta across the state; two other Executive Committee members shall be elected from points to the south of that line; two additional Executive Committee members shall be elected at large; and one Executive Committee member shall be elected from each of the four geographical areas as designated in the current Academic Senate directory, identified as Areas A, B, C, and D. One half of the Executive Committee members, other than the officers, shall be elected at each spring Academic Senate general session. The staggering shall maintain geographical representation at each election. ~~The initial staggering shall be determined by lot for north, south, and at-large. Area representation shall be phased in, giving consideration to the current terms of office and other details, as determined by the Executive Committee.~~ Even year elections will select one member from the north, one from the south, one at large, and one member <u>each</u> from Areas B and C. Odd year elections will select one member from the north, one member from the south, one at large, and one member <u>each</u> from areas A and D.

3. Non-Voting Senator Status:

   A. Emeritus Non-Voting Senator Status:
      Emeritus non-voting Senator status in the Academic Senate may be granted by the Executive Committee to persons who make outstanding contributions which have supported the aims and functions of this organization.

   B. Ex-Officio Non-Voting Senator Status:
      Ex-officio non-voting Senator status in the Academic Senate may be granted by the General Session of the Academic Senate.

4. Election Rules and Procedures:

A. Nominations for office with the consent of the nominee indicated will be made in writing and delivered to the Chair of the Nominations and Elections Committee, or will be made on the floor at the time designated for such floor action.

B. Nominations from the floor should be taken before the day of the election at a time determined by the Executive Committee. The time for floor nominations should be published in the agenda, and all nominations are closed at the end of that meeting.

C. At the time of nomination, the nominees will indicate whether they wish to stand for a lesser office for which they are eligible if they do not prevail for the office nominated.

D. ~~The Nominations and Elections Committee shall have printed appropriate ballots for~~ The election ~~which~~ shall take place on the last day of the Spring Session. If there is a vacancy on the Executive Committee, a special election to fill that vacancy may be held at the Fall or Spring Session, as required in order to comply with the provisions of Rule 1. The time (or block of time) for the first ballot of the election shall be announced in the printed agenda. The first ballot shall not be held earlier than the announced time. Each ballot shall have an envelope with it. The Senator casting a vote shall mark the ballot, seal it in the envelope, sign his or her name on the outside of the envelope, and return the envelope to the tellers. The tellers shall retire to another room and shall check the name on each envelope against the list of Senators eligible to vote, setting aside any envelope not submitted by a Senator eligible to vote. Then, all ballots shall be removed from the remaining envelopes at one time, the envelopes set aside and retained, and the ballots counted. Upon request by a candidate, made before the body takes up the next order of business following the announcement of the results of the ballot in question, the committee shall verify, for the ballot on which that candidate's name appears, that the signatures on the envelopes match the signatures collected from delegates during the registration process. The specific process by which the election will be conducted shall be distributed in writing prior to the day of the election. Ballots shall be kept in the Senate archives until the next election.

E. To be elected, a candidate must receive a vote from a majority of those delegates present and voting.

F. In the event no candidate receives a majority, the run-off will be limited to those candidates with the largest number of votes such that the number of candidates in the run-off equals twice the number of vacancies to be filled.

G. Successive run-offs will be conducted until all vacancies are filled.

H. At large candidates will consist of all who have not prevailed for other offices who indicate a desire to run and any candidates specifically nominated for at large council positions. The same voting requirement shall prevail for at large council positions as required for the Regional Executive Committee positions.

I. The order of the election shall be as follows: Areas, North, South, At-Large. In case any Executive Committee vacancies in any section, North, South At-Large or Areas, are the result of an unexpired term, the two-year term will be filled first, followed by an election for the one-year term.

J. The Nominations and Elections Committee shall provide at the time of the elections some type of announcement board which shows present officers and Executive Committee members as they are elected. Such a board will readily indicate to all delegates when vacancies in unexpired terms develop as a result of an election as an officer. Such a board is to indicate the length of terms of the Executive Committee members.

K. Any candidate may select someone, including him or herself, to observe the counting of votes for the ballot or ballots on which the candidate's name appears.

L. No one who is a candidate for election may chair any part of the elections process or serve as the chair of the Nominations and Elections Committee or participate in the distribution, collection, or tallying of votes.

5. Officers' Powers and Duties:

A. The President shall
   (1) Be responsible for establishing the time and place for all general sessions and all Executive Committee meetings
   (2) Be responsible for the preparation of the agenda for all general sessions and all Executive Committee meetings.
   (3) Preside over all general sessions and Executive Committee meetings.
   (4) Represent and act as the spokesperson for the Academic Senate and its Executive Committee.
   (5) Have the sole power to authorize expenditures for the Academic Senate.
   (6) Appoint a parliamentarian who shall serve at the pleasure of the President.
   (7) Perform any other function normally thought to be within the realm of a presiding officer which is otherwise not denied by the Bylaws , Senate Rules, or Executive Committee Rules.

B. The Vice President shall
   (1) Act as President in the absence of that officer.
   (2) Succeed to the Presidency in the event of the vacancy of that office.
   (3) Perform such functions as the President assigns to assist in carrying out the purposes and policies of the Academic Senate.

C. The Secretary shall
   (1) Be responsible for all minutes of all general sessions and Executive Committee meetings and their dissemination.
   (2) Be responsible for ensuring the currency of all mailing lists of the Academic Senate.
   (3) Ensure that all written material shall be prepared for dissemination at general sessions of the Academic Senate.
   (4) Maintain a file of all minutes and official documents except those placed in the keeping of other officers.
   (5) Perform such functions as the President assigns to assist in carrying out the purposes and policies of the Academic Senate.

D. The Treasurer shall
   (1) Be responsible for keeping the accounts, books, tax status, and other financial records up-to-date and in good order.
   (2) Be responsible for giving an oral and written financial report at every General Session and Executive Committee meeting.
   (3) With the approval of the president, make all properly authorized payments which are not inconsistent with the Bylaws , the Senate Rules, or the Executive Committee Rules, and which do not threaten the solvency of the Academic Senate.
   (4) Be responsible for securing from a Certified Public Accountant an audit without "option" of the books from the previous term, and for forwarding a copy of the audit results to the Treasurer of the previous terms, and to the current President.
   (5) At Senate expense, bond himself/herself for an amount equal to, or in slight excess of, the highest estimated cash-on-hand status of the Senate during his/her term.
   (6) Chair a committee for the purpose of drawing up the annual budget.. The budget must be ratified by the Executive Committee.
   (7) Be responsible for the registration procedure for the general sessions.
   (8) Be in charge of all contracts for services provided by hotels and businesses.
   (9) Perform such functions as the President assigns in carrying out the purposes and policies of the Academic Senate.

E. The Immediate Past President shall prepare a brief report on Executive Committee meetings to distribute to local academic senates following each Executive Committee meeting and shall perform other such functions as the President may assign to assist in carrying out the purposes and policies of the Academic Senate.

6. Standing Committees:
   A. Educational Policies Committee.
   B. Research Committee.
   C. Vocational Education Committee.
   D. Relations with Local Senates Committee.
   E. Faculty Development Committee
   F. Legislation and Governmental Relations Committee
   G. Affirmative Action and Cultural Diversity Committee
   H. Nominations and Elections Committee

Adopted unanimously, 11/ /91

Academic Senate for California Community Colleges

STUDENT EQUITY: PROPOSALS FOR ACTION

No issue is more important to the future of California than student equity, than increasing the enrollment and success of underrepresented ethnic minorities. Unless we enable large numbers of students from many ethnic groups to be successfully integrated into the economic mainstream of this state, we will certainly have failed those students. That motive is reason enough for urgent action. However, even if one were ethically indifferent, student equity is no less important. The risk if we fail is that the future of this state will see the development of:

> What has been called a "permanent underclass," mostly minority, and a semipermanent, semiemployable stratum of low-skilled workers. The consequences of this development would be dire: the permanent underutilization of the energies and talents of our people, the deepening of racial resentments and fears, and the constant anxiety among more and more of us that the future has no place for us. [AB 1725, Section 1, (G)]

Surely the economy of the state would also deteriorate substantially if that bleak vision became reality. As the economy stagnated or declined, the future might well be even worse than envisioned in those predictions by the legislature. Community colleges have a vital role if any optimistic vision of this state's future is to be a reasonable hope, if individuals and corporations are to have a reliable basis for making long-term commitments to this state's future. There simply is no realistic alternative to making student equity the highest priority at the state and local level.

It seems beyond argument that the Board of Governors has a duty to establish minimum standards for district activity in this vital area. The challenge is to find the way to establish a minimum standard that fosters the most effective response at the local level. Only in this way can the government and people of California be assured that student equity is at the top of the agenda at the state and local levels. Indeed, the Education Code mandates that the Board of Governors shall establish minimum standards for the performance of community college districts while respecting the

autonomy of local districts as much as possible. On every issue where there is a compelling state interest for the board to act, it must attempt to find the proper balance between these two obligations. If the following policies and regulations are adopted by the Board of Governors, they will have set a significant minimum standard for all districts while allowing each district the latitude to gain the involvement and commitment of its own staff and to tailor its actions to local circumstances. The recommendations contained in this report are intended to support and supplement the document, "Consultation Brief, Student Equity Policy."

I. Minimum Standards for Student Equity

In order to establish student equity as a high priority for every district and to set a minimum standard for district activity on student equity, the Board should add the following to Title 5:

> The governing board of each community college district shall adopt a student equity plan which includes for each college in the district:
> (1) Research as to the extent[1] and source of any inequity;
> (2) Goals for access, retention, degree and certificate completion, ESL and basic skills completion, and transfer;[2]
> (3) Action plans based on the research to attain these goals;
> (4) Sources of funds for the activities in the plan;
> (5) Schedule and process for internal evaluation as well as for any external evaluation, (external evaluation is encouraged but not required); and
> (6) An executive summary that contains, at a minimum, the groups for whom goals have been set, the goals, the main new initiatives that the college or district will be undertaking to achieve these goals, the resources that have been budgeted for that purpose, and the district official to contact for further information. At a minimum, these plans should be developed with the active involvement of all groups on campus to the extent required by other sections of this title and the Education Code and also with the involvement of community organizations representing the groups specified in subsections (f)(1)–(f)(6). These plans shall be adopted and submitted to the Office of the Chancellor by July 1, 1993. The Chancellor shall publish all executive summaries,

sending copies to every district, the chair of each consultation group that so requests, and such additional individuals and organizations as deemed appropriate.

(a) Access shall be measured by comparing the percentage of each group's adult population within the community served[3] that is enrolled to the percentage of the total adult population of within the community served that is enrolled. The community served includes any zip code from which a significant number of students come, (the participation rate for each group in comparison to the participation rate for the adult population).
(b) The retention rate shall be defined for this purpose as the rate at which students complete by the end of the semester the courses in which they are enrolled on census day of that semester, counting each course completed.
(c) The degree and certificate completion rate shall be defined for this purpose as the ratio between the number of students who receive a degree or certificate to the number of students who have successfully completed 24 degree applicable units expressed as a percentage.[4]
(d) The ESL and basic skills completion rate shall be defined for this purpose as the percentage of students who enroll in such classes who complete at least 24 units of degree applicable units after having completed their final ESL or basic skills course.
(e) The transfer rate shall be defined for this purpose as the percentage of students who have successfully completed 24 degree applicable units or more who are admitted to a four-year college or university.[5]
(f) These plans shall address separately each of the following groups:
    (1) American Indians and Alaskan natives;
    (2) Asians and Pacific Islanders;
    (3) Blacks;
    (4) Hispanics;
    (5) Women; and
    (6) Persons with disabilities, (as defined in Title 5 regulations on Affirmative Action).
(g) A plan need not deal with a particular group's performance in a particular area if:

(1) For access, the percentage of the group's adult population within the community served that is enrolled is more than 90% of the percentage of the total adult population of the community served that is enrolled.[6]
(2) For any of the other areas, that group's completion rate is more than 90% of the rate for the student body as a whole.

Annually, the Chancellor shall make a determination of which districts show the greatest success in each of these areas and invite them to a future board meeting to report on what they did that was particularly effective. These reports shall be distributed to all other colleges.

II. System Policies

The Board of Governors and the legislature have repeatedly encouraged the achievement of student equity by local districts and mandated various activities to that purpose. The adoption of a requirement to develop a plan should put student equity at the top of the agenda for each district. However, the urgency of success requires that all appropriate action be started at the system level as well. Lastly, in case the actions taken at the local level are ineffective, preparation should begin for implementation of statewide policies.

In addition to adopting the recommendations contained in the Chancellor's Office document, *Policy Statement on Student Equity in the California Community Colleges*, the Board of Governors should adopt the following:

1. The Board of Governors of the California Community Colleges commits itself to the principle that among its very highest priorities for new dollars shall be funding over cap for new students from underrepresented ethnic minorities and the disabled.[7]

2. The Board of Governors of the California Community Colleges commits itself to the principle that districts that have attained equity for any of these goals should be rewarded through the state's funding formulas and that districts that are making significant progress toward equity should be rewarded as well. The board

directs the Chancellor, working with the consultation groups, to prepare various options for how these principles could be achieved and to present options to the board including both those that could be accomplished through new regulations and those that would require new statutes.

3. The Board of Governors of the California Community Colleges directs the Chancellor, working with the consultation groups, to produce recommendations for district, board, and legislative action on the question of priorities within the mission.[8]

4. The Board of Governors of the California Community Colleges directs the Chancellor, working with the consultation groups, to prepare a student equity plan for the system, and that this plan shall include, among other appropriate sections:
   (a) Systemwide goals;
   (b) Proposals for changes in regulation and statute as well as proposals for services needed by the districts from the Chancellor's office. These proposals shall be based in part on a review of the districts' student equity plans.
   (c) Proposals for which groups, in addition to those already specified as underrepresented, need special attention.[9]

5. The Board of Governors of the California Community Colleges directs the Chancellor, working with the consultation groups, to develop a means to report annually on the achievement of the system as a whole and the individual colleges and districts in the following areas: access, retention, degree and certificate completion, ESL and basic skills completion, and transfer for each of the groups specified above in subsections (f)(1)–(f)(6).[10]

6. The Board of Governors of the California Community Colleges directs the Chancellor, working with the consultation groups, to begin the development of specific state mandates should the local plans not prove successful. Toward this end, the Board directs the Chancellor to establish a task force or task forces to develop proposals in the following areas:
   (a) Regulations directed at making all groups comfortable and welcome on campus including but not limited to:

(1) A more effective process for local and state action in cases of harassment or differential treatment based on prejudice.

(2) Programs that would foster a sensitivity to all individuals including, but not limited to:
   A. Discussion and interaction of students, faculty, staff, and administrative and management personnel;
   B. Staff development programs fostering understanding and sensitivity;
   C. Revisions to codes of conduct and evaluation standards for faculty, staff, and administrative and management personnel.

(b) Regulations to increase access and retention including, but not limited to, the development of faculty mentoring programs, other means of increasing contact between faculty and students, and increased availability of support services such as tutoring, counseling, and advising.

(c) Regulations to foster efforts to recognize and reward faculty who take additional courses that meet both of the following:
   (1) Are in the discipline in which they teach or a discipline area which includes that discipline or, for nonteaching faculty, relevant to the service they provide; and
   (2) About women, ethnic and religious minorities, or nonwestern civilizations.

(d) In cooperation with one or more universities, plans for a series of courses for all appropriate discipline areas to provide upper division and graduate instruction via telecourse to community college faculty on issues and materials by and about women, ethnic and religious minorities, and nonwestern civilizations.

(e) Regulations to foster efforts to recognize and reward faculty who take courses or special training in teaching

methodologies that have been determined to be particularly effective with students from the groups for whom goals have been established.

Any task forces established pursuant to this regulation shall include members with expertise in multicultural curriculum or teaching methodologies or services for a diverse student body.

III. Conclusion

We urge the Board of Governors to declare officially and effectively the urgency of improving access and success for historically underrepresented students in the California Community Colleges. As important as it is to establish the goal formally, that action alone will not be effective unless it is accompanied by regulations that make that goal a major part of fiscal and other planning activities both at the local and the state level.

The urgency of directing our most effective efforts at the achievement of student equity is justified ethically, economically, and socially by the analysis offered at the beginning of this paper. That the solution proposed in this paper will be effective is supported by the research done by Richard Richardson under a major research project funded by the Ford Foundation, as well as research by others that he summarizes. Richardson outlines three stages of college reform to strengthen effectiveness with historically underrepresented groups. First, institutions try to remove barriers to enrollment by recruiting or scheduling classes in new ways. As the student body gets more diverse, the temptation is to lower standards or counsel students into less demanding programs. However, the real task is to work with public schools, provide transition programs, and increase mentoring. These programs can help but even more is needed. At stage 3 colleges begin to implement matriculation, curriculum and pedagogical changes. The proposals for board action contained here would draw attention to all these stages and permit districts to implement whatever specific programs seem likely to be most effective. In addition, the state task forces for study and development of future proposals would yield new ideas in all these areas.

The proposals in this document are primarily intended to promote effective action at the local level, and Richardson also strengthens the case for this

approach when he reminds us of the fundamental components for institutional vitality:

> 1. The clarity and acceptance of institutional mission. To be accepted, mission must be associated with clear institutional outcomes [such as] course completion, program graduation or completion, successful transfer . . . . , successful completion of college level courses following remediation, and student satisfaction . . . .

If the board adopts the proposals contained in this document, it will have formally established student equity as a statewide goal and have put in motion the process for clearly establishing it as a goal at the local level together with "clear institutional outcomes."

> 2. The establishment of an organizational climate empowering individuals to participate in fulfilling the mission. The dimensions of organizational climate affecting participation include organizational structure, reward systems, faculty development programs, peer influence, and aspects of control systems such as budgeting and regulations.

The implementation of joint governance puts the community colleges in the right place to fulfill this second element of institutional vitality.

> 3. The involvement of individual faculty in creative, productive work related to the mission . . . [such as] classroom research to improve teaching, review and modification of the curriculum, and participation in institutional governance.

If adopted by the board, these proposals would establish the framework for successful achievement of the third element of institutional vitality by placing most of the effort on the development and implementation of plans for student equity at the local level.

These proposals, then, constitute a package which, if adopted in its entirely, would clarify goals and institute actions to mobilize all parts of the community colleges toward rapid progress in this vital area. Yet, they would also permit wide latitude at the local level. Nothing less than

adoption of all these proposals would be appropriate for this area of the most urgent state interest.

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[1] The data collected for matriculation purposes would be very valuable in this process.

[2] The successful achievement of this goal requires changes by UC and CSU, whether made voluntarily or mandated by the legislature. The senate will be developing specific proposals in this area during this year.

[3] This document has made the goal for access reflect the total population. However, until that access rate has been achieved, the goals for transfer, retention, and completion should be based on the actual student body rather than the total population. To use the total population for all four categories would be to make access much more important that the other issues. Progress in transfer rates, for example, would be underemphasized until and unless the same progress was also made in access.

[4] Students in occupational programs may have completed what they need after as little as one or two courses. However, it is very difficult to measure that success rate or to collect the data on actual job placements or to determine whether the job placement actually required the courses taken. For now, we recommend that the degree and certificate completion rates be used to get an important if not complete measure of what is happening to students in occupational programs.

[5] These definitions are recommended on the assumption that they will be manageable within the existing MIS system and, where similar data is already being collected as part of matriculation, conform with those definitions as well. If necessary, the definitions of "access," "retention rate," "degree and certificate completion rate," and "ESL and basic skills completion rate," subsections (a)–(e), should be reconsidered in order to achieve as much congruence as possible with existing activities so long as the general intent of each standard is maintained.

[6] "Community served" is defined in (a) above.

[7] Specifically, we propose that the enrollment of additional students from underrepresented groups be funded over cap by a formula which adjusts the total number by the retention rate. [That is, if a college had 250 students that were added from underrepresented groups, a retention rate for the underrepresented groups of 60% and a retention rate for the student body as a whole of 75%, then they should receive additional funding for 200 students (250 x 60/75).]

[8] Since colleges now turn away significant numbers of students, are we turning away students whose goals are in fact more urgent while students with less pressing needs are admitted because neither admissions nor

registration priorities nor funding formulas were written with this situation in mind.

[9] Russian refugees, for example, are white and, therefore, not members of any of the historically underrepresented groups. Yet, they do have some special problems and would benefit from attention to those problems. Although Asians as a category are likely to do well by most statistical measures, specific subgroups of Asians continue to deserve special attention. Among the disabled as well, certain programs have been put in place such as changing the physical plant. However, subgroups such as the deaf may still need tailored programs. These groups are mentioned only to illustrate that there are large groups with substantial needs who, without this special section, might well be overlooked. There is no intention to imply that these particular groups deserve preferential consideration. The point is only that we take the time to look at the needs of special groups of students who do not fall under the specified categories for requiring the establishing of goals and the development of plans.

[10] As mentioned above, the intention here is to avoid adding unnecessarily to existing data collecting. Some redefinition of these terms is appropriate if doing so would both preserve the intent and make the data collection less burdensome..

Academic Senate for California Community Colleges

Affirmative Action Regulations, a Response adopted by the 1991 Fall Session

Be it resolved that the Academic Senate for California Community Colleges support the proposed revisions to the regulations in Title 5 on affirmative action draft, (dated October 15, 1991,) provided that they are revised to incorporate the following principles and concerns. It is recognized that these principles would need refinement in being converted into mandatory, regulatory language.

1. The election of division and department administrators (usually called division or department chairpersons) is permitted. If those processes are shown to be functioning in a discriminatory way at a particular college or district, that college or district shall establish programs to remedy the problem. [See section 53021(b) on page 7 of the proposed regulations.]

2. Information submitted on the application which identifies a candidate's ethnicity, sex, or disability may be used to determine whether to proceed with screening and hiring or whether to take other steps to improve the pool or validate the hiring criteria. The self-identification may also be used at other stages of the hiring process to determine adverse impact or as a basis for preferential treatment where those are permissible or required. [See section 53023(a) on page 8 of the proposed regulations.]

3. Job announcements may include as required or desirable qualifications any job criterion which the faculty believe, after discussion with the affirmative action officer, are likely indicators of how well a candidate will perform the duties for which he or she is being hired. Questions about the possible adverse impact of such a criterion and validation of that criterion, if necessary, shall be resolved prior to the screening of those applications. (It is the intention of this principle to permit determining adverse impact and doing validation either prior to publishing the job announcement or, at the latest, prior to screening applications, whichever is preferred by the district.) [See sections 53022-53023, pages 7-8 of the proposed regulations.]

4. Except as provided in principle 5, a job criterion above the state's minimum qualifications shall be validated before proceeding with the hiring process when, for any group for which a goal has been established for the relevant employment category, that group's proportion of the applicants who will receive an interview is significantly less than the group's proportion of all applicants. Once validated, that job criterion may be used without being validated again. [See section 53023, page 8]

5. For every discipline requiring a master's degree as the minimum qualification, the master's degree or equivalent in the discipline will be presumed to be a valid desirable qualification without requiring validation at the specific college or district. For every discipline that does not require a master's degree, possession of the bachelor's degree or equivalent will also be considered as a valid desirable qualification without requiring validation at the college or district. [See 53023, page 8]

6. As long as the district is in compliance with these regulations as changed to incorporate the principles stated in this document, ". . . The colleges may establish criteria for hiring that go well beyond the minimum qualifications set by regulation. The establishment of additional criteria of this sort should be expected and encouraged." [AB 1725, section 4(s)(4)] [See 53023, page 8]

7. Although this principle is in current law, it needs to be very clear that in no case may a candidate perform a service for which he or she lacks the minimum qualifications as required by law except as provided in statute and regulation for those who serve as faculty interns. Minimum qualifications includes either the degrees, experience, and licensure required by regulation and statute, or the equivalent as determined in accordance with an agreed upon local equivalency process, or a valid credential that permits offering that service.

8. These regulations notwithstanding, " . . . Hiring criteria, [hiring] policies, and [hiring] procedures for new faculty members shall be developed and agreed upon jointly by representatives of the governing board, and the academic senate, and approved by the governing board." [AB 1725, section 87360(b)] [See section 53003 on page 4 which requires that the district's affirmative action plan be approved by the Chancellor's Office and that many hiring issues be included in those plans. Thus, the Chancellor's Office would become in effect a third party to district hiring agreements.]]

9. Since these procedures are particularly likely to be subjects for complaints and litigation, these regulations must be models of clarity and precision. The current draft is unclear in several crucial sections, including 51010(f) and 53021-24.

10. Local affirmative action plans shall include identification of exactly where problems are occurring, (recruiting, screening, or selection, in a particular division, at a particular college or the district office, or in the entire district,) and programs tailored to resolving those problems. [See section 53003 on pages 4-5]

Be it further resolved that the Academic Senate for California Community Colleges direct the Executive Committee to provide a model for validation of required and desirable qualifications at the local level or a process for such validation at the state level.

For Discussion Only

Notes on the Proposed Matriculation Regulations

by

Mike Anker

The Chancellor's staff has proposed changes to the matriculation regulations. Karen Halliday of the Chancellor's staff joined the Executive committee for a discussion of the proposal. Many questions and concerns were raised. This document is a report of the questions that were raised.

Prerequisites and placement are at the heart of effective teaching, second only to curriculum content and good pedagogy. The Executive committee was very concerned that the senate have time for full discussion of these regulations. No one else will focus on the actual impact the regulations will have on teaching and learning.

1. **In what ways are prerequisites helpful to teaching and learning? In what ways are prerequisites an obstacle to teaching and learning?** Perfect prerequisites would get students into the most challenging classes that they could complete successfully. In reality, prerequisites attempt to achieve this goal but have the unintended side effect of preventing some students from taking classes even though they would be able to complete those classes successfully. When the side effect occurs, that student may have only a minor inconvenience, a delay of a semester in completing a program. However, that delay may be enough to make the difference in the student's ever being able to finish. Should we err on the side of letting a student try a course or on the side of not letting students fail? Clearly, our students have challenges enough without having unnecessary ones added. We therefore need to be very precise about the advantages and how we can realistically achieve those advantages. We all know that there are costs and, to some students, very high costs indeed.

2. **Is validation the best way to determine whether a prerequisite is legitimate?** When a student is barred from a class, the burden of establishing that there is a sound reason for barring him or her is clearly on the college faculty. Prerequisites should not be established lightly and certainly not arbitrarily. Yet, it is no favor to the individual

student and it may have a cost to other students as well when a student who simply does not have the preparation to pass a particular course is permitted to take the course anyway. What is the best method to determine when a prerequisite should be established? Is validation a reasonable and workable method for this purpose? Can prerequisites realistically be validated without unreasonable costs to the college and to students? (The Educational Policies Committee has begun to examine this question and to seek alternatives to validation.)

3. **Should validation be required in order to establish a college level math course as a prerequisite for courses in such fields as chemistry, physics, computers, and nursing?** Course prerequisites have to be in a series of courses in the same discipline–(b)(1)– or a basic skills course in which satisfactory completion is evidence of attainment of some level of skill–(b)(3). Therefore, there is no way even with validation to establish a calculus course as a prerequisite for physics unless the college were to colist its calculus course as a physics course. The matriculation bill currently in the legislature would permit such prerequisites even without validation. [78213.1(b)(1)] Should Title 5 permit as much and perhaps more?

4. **Should prerequisites within a discipline require validation or should validation only apply for the prerequisites to the entry level course in the discipline? Are prerequisites ever justifiable on a basis other than an individual student's preparation to succeed in a class or program?** It is not clear that the rules for prerequisites within a discipline, other than those affecting basic skills, should be at all similar to the rules for having a prerequisite of a basic skills class. There is a risk of a student getting locked into basic skills and never getting out or, at least, getting unnecessarily delayed in his or college career. Certainly, delay is itself serious since the longer it takes to complete, the greater the cost and the more likely the student will never complete. However, that rationale would not normally apply to a prerequisite, for example, of first semester American History before second semester or macro-economic theory before micro. Certainly, instructors might differ about how beneficial it is to have the prerequisite, especially since some students might have taken the first semester years ago and remember little of it, but is it illegitimate to have advanced and even second semester courses defined by the background students are expected to have and that the instructor will not be presenting even if the student might pass the class without that background?

5. **Should there be one standard for establish prerequisites that are mandatory and a different standard for establishing them if they are advisory?** There is no explicit language in these regulations that validation is not required for advisory prerequisites. If validation is nonetheless not required for advisory prerequisites, does that mean there should be no standard for the establishing of those prerequisites? Assemblymember Assemblymember Campbell's current bill assumes that advisory prerequisites are addressed in Title 5. [78213.1(c)] That bill also authorizes recommending prior completion of a course without any restriction. [78213.1(d)]

6. **Should corequisites always require validation as well?** Sometimes a corequisite is used similarly to a prerequisite, to make sure that students learn certain skills before they need them. So concurrent enrollment in English composition might be used instead of a prerequisite of English composition. However, concurrent enrollment in a corequisite is also used for other purposes, the lectures that goes with a particular lab, for example. Should corequisites be legitimate without validation if they are required of all students in the course and if neither of the classes is a basic skills class?

7. **Should 'first come, first served' be the only way to establish priority for limiting enrollment in classes?** These regulations restrict not only the imposition of prerequisites but any method for limiting enrollment in courses and programs or for giving priority for admission to courses or programs. The regulations were clearly written when the colleges were turning away few students other than those who did not meet prerequisites. Now we face turning away 100,000 students and more because the support is not there to hire the instructors and pay the other costs of the classes. Is it worth thinking about prerequisites and other means for limiting enrollment before establishing by regulation that 'first come, first served' is the only permissible method? Should students who are likely to fail be admitted to a class on the same basis as those who have a much higher likelihood of success when there is not room for all or should the first group be expected to get their skill levels improved first? The point here is not whether to close the open door but only whether the other students have a stake in whether each student is place in the courses for which each is realistically likely to succeed. Is this decision different for a single course than for a four semester program such as nursing where the drop rate might affect the economic viability of the program? (The Educational Policies Committee is currently discussing the whole question of "Priorities Within the Mission," of how we can respond intelligently to this new situation.)

8. Can class size be limited for the sake of teaching effectiveness or as a means to limit faculty work load? Sections 58100, 58106(a), and 58110 together say enrollment in a course may be limited only for certain reasons. Section 58100 says the course must be open excepting only for excluding students who lack properly established prerequisites. Section 58106(a) says a district may close a class only for reasons of "health and safety considerations, facility limitations, or legal requirements imposed by statute or regulations." Lastly, 58110 says a district may close a class due to "size of physical facilities, availability of qualified instructors, funding limitations, [or] the constraints of regional planning." Item ??? above raised the question of the need for discussion of what is best way to limit enrollment now that the colleges are turning away very large numbers of students. Perhaps, the whole issue of when to close classes could be separated from matriculation. Secondly, these regulations do not explicitly permit limiting class size for the sake of delivering quality instruction or for the sake of controlling instructor workloads. It would appear a class taught in an auditorium could not be closed until every seat was filled. Thirdly, every college has the money to add one more section of something and only rarely would it be true that no qualified instructor could be found at all. Therefore, it would be very difficult to close a class due to low enrollment. The first sentence in section 58106(a) says program prerequisites must meet the criteria for course prerequisites. Nursing programs could not, then, give preference to students who have completed all other requirements for the degree over students who had completed only those courses that are validated or legally required prerequisites.

9. Is there adequate provision for enforcing these regulations should a district willfully disregard them? These regulations establish no clear method for enforcement. The last sentence of 55500 is being deleted but did authorize going after a college's apportionment. Halliday says that the authority to withhold apportionment exists elsewhere.

10. Should local governing boards be required to adopt policies establishing requirements for student performance in courses? Section 55530(d) provides, among other things, that "Students shall be required to . . . diligently attend class and complete assigned coursework . . . . The governing board . . shall adopt clear written policies not inconsistent with law, specifically defining these responsibilities of students and the consequences of failure to fulfill such responsibilities." Catalogs currently provide that a student may be dropped for missing the first class of the semester or three or more classes or something similar. Such a policy in effect, prohibits faculty from dropping a student for

anything less but does not require that a student be dropped even if he or she were to miss every single class. It establishes a student right and leaves the rest to instructor discretion. Should there be more specific policies set at the governing board level?

11. Under what circumstances could a student be excluded from class? Section 58106(g) concludes with very broad language prohibiting virtually any basis for excluding a student from class: the student lacks the properly established prerequisite, has "excessive absences," or has been removed "as a result of disciplinary action taken pursuant to law or the student code of conduct." Is this language necessary especially in this broad way? If it is necessary, are there no other cases that need to be permitted?

12. Technical problems, where language does not seem to reflect intent. The following issues are raised because there is question whether the language really permits and prohibits what it seems intended to permit or prohibit. Since matriculation is a topic of political sensitivity where law suits likely, it is particularly important to make the language as clear as possible.

A. Section 55521(a)(4) could be read to prohibit excluding students by any method or procedure. For clarity's sake, it would be better to be redundant as follows: "Use any assessment instrument or other assessment method or evaluative procedure...." Since the phrase used here is defined in section current section 55502(c), perhaps an explicit reference to that definition is sufficient.

B. In section 55521(a)(6), in order to make clear that valid prerequisites are permissible even if they are discriminatory in effect, add the sentence from section 59302: "Nothing in this chapter shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity."

C. The phrase "not inconsistent with law" in section 55530(d) is a bit strange since it would imply that in every section where it does not appear, districts may behave illegally. Would it be better to refer specifically to the provisions that are meant here?

D. In section 58051.5, why reference "ADA"? (Also in section 58100) Appropriate language would seem to be that used in section 58106, "Purposes of state apportionment."

E. In subsection (a) of section 58051.5, why specify "full"? Does this word make the sentence imply that if General Motors pays 99% of the costs of instruction, the district could claim apportionment since the private agency was not paying the "full" cost?

F. 58106 (c) says that a prerequisite "must be validated as being necessary for success in the course or program." That language implies that if even one student succeeds without having first met the prerequisite, then it was not necessary and, therefore, could not be a prerequisite. Line 4 of 58106(a) presents the same concern.

G. Section 58106(a) may need a (3) authorizing limiting enrollment to those students who have met course prerequisites established pursuant to subsection (b)-(1). The other possibility is that the section does not need explicit authorization of prerequisites under (b)(3). This crucial section is very difficult to follow. Does saying that enrollment procedures shall, rather than may, "limit enrollment to those students capable of meeting relevant skill prerequisites" mean that a college could not choose to have no such prerequisites?

H. In line 4, of 58106(a) "Necessary and valid" should be deleted. The criteria for acceptable prerequisites is established by this section. Including the phrase, "necessary and valid" implies that these are criteria over and above what is specified elsewhere; only those prerequisites are permitted that meet this section AND are necessary and valid.

I. Subsection (b) of 58106 specifies a role for the curriculum committee. After the adoption of the regulations strengthening academic senates, the reference should be to the academic senate. The same subsection ends with "require completion of any of the following types of prerequisites" and seems to need "as a condition for enrolling in a particular course or program," or words to that effect.

J. What is the definition here and elsewhere of "necessary for success." ("Necessary for success" appears also in (c)(2).) If even one student succeeds without that course, literally the course was not necessary. It would be better to substitute language that unambiguously permits using a reasonable correlation as adequate: "such knowledge is not taught in the subsequent course and the exams

and other assignments on which the grade is based require that knowledge in order to receive a passing grade."

K. In the last sentence of 58106(b)(2), it says a district must have enough corequisite courses but fails to say what happens if it doesn't.

L. If subsection (c)(2)(C) is meant to solve the problem raised by the composition/critical thinking IGETC course, it seems to be worded inadequately. Course transferability is not the issue, but. rather, meeting a specific requirement.

M. Section 58106(d) establishes grounds for challenging a prerequisite. The regulations do not resolve whether a student who successfully shows one of the listed grounds does apply must, then, be exempted from the prerequisite, exempted only if a judgment is made by someone that all things considered he or she should be exempt, or whether the prerequisite itself is no longer enforceable for the student who challenged or for any other student. Also, in subsection 58106(d)(3), any prerequisite with a discriminatory effect may be challenged. If the prerequisite has been validated, but still affects more women than men, is it permissible under these regulations? If so, what is the meaning of saying that it may not be discriminatory? (Perhaps "disproportionate impact" as it is defined in current section 55502 would state the issue thoroughly and explicitly.)

N. Section 58106(e) says the Chancellor will review district validation. What are the standards for this review?

O. Section 58106(f) deals with work experience and section 58106(c)(3) deals with experience. Are these separate issues?

P. Should the word "course" be used instead of "skill" in 58106(c)(4)? The regulations adopted several years ago to strengthen academic standards require that we do set courses at a level where they would require certain skill levels. The course requires them but we may not expect the students to possess them? The course must require them but we may not, even with validation, exclude the student who lacks them?

Q. In section 58106(a) and other places, these regulations propose restrictions not only on prerequisites and enrollment in courses but

also in programs. Does "program" need to be defined or is there no risk of problems or confusion?

R. The intention is to permit prerequisites for honors programs without validation. However, no such language appears here, which is likely at a minimum to leave the impression that honors programs are prohibited unless they could somehow meet these regulations.

DRAFT
August 16, 1991
Proposed Revisions to Matriculation Regulations

1. Section 51024 of Subchapter 1 of Chapter 2 of Division VI of Title 5 of the California Code of Regulations is amended to read:

51024. Matriculation Services.

~~When matriculation services have been fully funded, as certified by the Chancellor in accord with policies adopted by the Board of Governors, t~~The governing board of each community college district shall:

(a) adopt and submit to the Chancellor a matriculation plan as required under section 55510;

(b) evaluate its matriculation program and participate in statewide evaluation activities as required under section 55512 (c);

(c) provide matriculation services to its students in accordance with sections 55520 and 55521;

(d) establish procedures for waivers and appeals in connection with its matriculation program in a manner consistent with section 55534; and

(e) substantially comply with all other provisions of Subchapter 6 (commencing with section 55500) of ~~Division~~ Chapter 6 of this ~~part~~ Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code.
Reference: Sections 78210-78218, Education Code.

2. Section 55500 of Subchapter 6 of Chapter 6 of Division VI of Title 5 of the California Code of Regulations is amended to read:

55500. Scope and Implementation.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour Campbell Matriculation Act of 1986, c. 1467 Stats. 1986, codified as Education Code sections 78210 et seq. The purpose of this chapter is to further equality of educational opportunity and success for all students in the California Community Colleges. ~~This chapter sets forth minimum standards for district matriculation programs and further elaborates requirements for the assessment component of matriculation.~~

(b) The requirements of this chapter apply only to districts receiving funds pursuant to Education Code section 78216 for the period of time during which such funds are received. The Chancellor shall, in consultation with districts

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and other interested parties, adopt a schedule for implementing the provisions of this chapter as expeditiously as possible within the constraints of available funding. The schedule shall be coordinated with the implementation and funding of the systemwide management information system and the accountability mechanisms established pursuant to Education Code section 71020.5.

~~(c) Minimum standards for the enforcement of this chapter, as set forth in section 51024, shall not become effective until the Chancellor certifies, in accordance with established policies of the Board of Governors, that matriculation has been fully funded. Until that time, the Chancellor shall ensure that funds allocated to community college districts pursuant to Education Code section 78216 are used in accordance with district matriculation plans developed as provided in section 55510.~~

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 71020.5 and 78210-78218, Education Code.

3. Section 55521 of Subchapter 6 of Chapter 6 of Division VI of Title 5 of the California Code of Regulations is amended to read:

55521. Prohibited Practices.

(a) In implementing matriculation services, community college districts shall not, except as provided in subdivision (b), do any of the following:

~~(a)~~ (1) use an assessment instrument which has not been approved by the Chancellor pursuant to Section 55524, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment instruments, where such instruments are not used for placement and are evaluated only in order to determine whether they should be added to the list of approved instruments;

~~(b)~~ (2) use any assessment instrument in a manner or for a purpose other than that for which it was developed or has been otherwise validated;

~~(c)~~ (3) use any single assessment instrument, method or procedure, by itself, for placement, required referral to appropriate services, or subsequent evaluation of any student; provided however that, in the case of assessment instruments, the use of two or more highly correlated instruments does not satisfy the requirement for use of multiple measures;

~~(d)~~ (4) use any assessment instrument, method or procedure to exclude any person from admission to a community college;

~~(e)~~ (5) use any assessment instrument, method or procedure for mandatory placement of a student in or exclusion from any particular course or educational program, except that districts may establish

appropriate prerequisites pursuant to Sections 55002 and 58106 of Division 9 of this Part; or

~~(f)~~ (6) use any matriculation practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by Chapter 5 (commencing with Section 59300) of Division 10 of this Part.

(b) Notwithstanding the provisions of subdivisions (a) (1) and (2), assessment instruments approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to subdivision (d) of Section 1091 of Title 20 of the United States Code.

NOTE: Authority cited: Section 11138, Government Code; Sections 66700~~,~~ and 70901 ~~and 84500.1~~, Education Code. Reference: Section 11135, Government Code; Sections 72011, 78211, and 78213, ~~and 84500.1,~~ Education Code.

4. Section 55530 of Subchapter 6 of Chapter 6 of Division VI of Title 5 of the California Code of Regulations is amended to read:

55530. Student Rights and Responsibilities.

(a) Nothing in this chapter shall be construed to interfere with the right of a student, if admitted to a community college in accord with district admission policies adopted pursuant to Education Code Section 76000 et seq., from enrolling in any course for which he or she can meet necessary and valid prerequisites, if any, which have been established pursuant to the requirements of section 58106 of Division 9 of this Part.

(b) Community college districts shall take steps to ensure that information, in written form, is available to all students~~,~~ during orientation and is included in class schedules, catalogs or other appropriate publications, describing their rights and responsibilities under this chapter.

(c) Districts shall also take steps to ensure that the matriculation process is efficient so that students are not discouraged from participating in college programs. Whenever possible, students should be permitted to avoid additional testing by submitting scores on recently taken tests which correlate with those used by the district.

(d) Students shall be required to express at least a broad educational intent upon admission, declare a specific educational goal within a reasonable period after admission, participate in counseling or advisement pursuant to Section 55523 (a) (1), (2) and (3), diligently attend class and complete assigned coursework, and complete courses and maintain progress toward an educational goal according to standards established by the district, consistent with the requirements of Chapter 9 (commencing with Section 55750) of Division 6 of this Part. The governing board of each community college district shall adopt clear written policies not inconsistent with law, specifically defining these responsibilities of students and the consequences of failure to fulfill such responsibilities. This policy shall define the period of time within

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which a student must identify a specific educational goal as required by this subsection, provided however, that all students shall be required to declare such a goal during the term after which the student completes 15 semester units or 22 quarter units of degree-applicable credit coursework, unless the district policy establishes a shorter period. Once the student has developed a specific educational goal, the district must provide the student with an opportunity to develop a student educational plan pursuant to Section 55525. Student responsibilities shall also be identified in the student's educational plan developed pursuant to Section 55525. If a student fails to fulfill the responsibilities listed in this subsection, fails to cooperate with the district in the development of a student educational plan within 90 days after declaring his/her specific educational goal, or fails to abide by the terms of his/her student educational plan, the district may, subject to the requirements of this chapter, suspend or terminate the provision of services authorized in Section 55520; provided however, that nothing in this section shall be construed to permit a district to suspend or terminate any service to which a student is otherwise entitled under any other provision of law.

(e) Information obtained from the matriculation process shall be considered student records and shall be subject to the requirements of Chapter 6 (commencing with Section 54600) of Division 5 of this Part.

NOTE: Authority cited: Sections 66700~~,~~ and 70901 ~~and 84500.1~~, Education Code. Reference: Sections 76000, 76001, 76001.5~~,~~ and 78212 ~~and 84500.1~~, Education Code.

5. Section 58051.5 of Subchapter 1 of Chapter 9 of Division VI of Title 5 of the California Code of Regulations is amended to read:

58051.5. Reports for Apportionment; Prohibited Classes~~; Regulations~~.

Except as otherwise provided in Article 11 (commencing with Section 76170) of Chapter 1 of Part 46 of the Education Code, no community college district shall report for attendance or average daily attendance to the Board of Governors for apportionment any classes:

~~(1)~~ (a) if the district receives full compensation for direct education costs for the class from any public or private agency, individual or group of individuals, or

~~(2)~~ (b) if such classes are not located in facilities clearly identified in such a manner, and established by appropriate procedures, to ensure that attendance in such classes is open to the general public, except ~~those authorized for adult students with disabilities and those in state hospitals.~~ that students may be required to meet prerequisites which have been established pursuant to Section 58106 of this chapter.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

6. Section 58100 of Subchapter 2 of Chapter 9 of Division VI of Title 5 of the California Code of Regulations is amended to read:

58100. Open Enrollment.

Unless specifically exempted by statute or regulation, every course, course section, or class for which average daily attendance is to be reported for State aid, whether or not it is part of a program, shall be open for enrollment and participation by any person who has been admitted to the college and who meets the prerequisites of such course or program ~~as defined in~~ established pursuant to section ~~58104~~ 58106 of this chapter.

NOTE: Authority cited: Sections ~~71020, 71062, and 84500.1,~~ 66700 and 70901, Education Code. Reference: Sections ~~84500 and 84500.1,~~ 70901, Education Code.

7. Section 58106 of Subchapter 2 of Chapter 9 of Division VI of Title 5 of the California Code of Regulations is amended to read:

58106. Prerequisites and Other Limitations On Enrollment.

(a) In order to be claimed for purposes of State apportionment, all courses and programs shall be open to enrollment by any student who has been admitted to the college, except that students may be required to meet necessary and valid prerequisites established pursuant to this section. In addition, a community college district may also limit enrollment in a course or program based on health and safety considerations, facility limitations, or legal requirements imposed by statute or regulations. The district governing board shall adopt policies identifying any such requirements and establishing fair and equitable procedures for determining who may enroll in affected courses or programs. Such procedures ~~may~~ shall:

(1) limit enrollment on a "first come first served" basis or utilize other nonevaluative selection techniques to determine who may enroll; or

(2) limit enrollment to those students capable of meeting relevant skill prerequisites established pursuant to subsection (b) (3) of this section.

(b) Upon recommendation by the curriculum committee, pursuant to section 55002 of this Part, a district may, subject to the conditions set forth in subdivision (c), require completion of any of the following types of prerequisites:

(1) It is permissible to require, as a prerequisite, the completion of any course in a sequence of related degree-applicable courses in a given discipline in which understanding or technical performance in such course is necessary for success in later courses in the sequence.

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(2) As used in this section, the term "prerequisite" also includes "corequisites" which require a student to concurrently enroll in one course as a condition of enrollment in another course. A student may be required to concurrently enroll in a corequisite only when the college has conducted a comprehensive assessment of the student using multiple measures and the objectives of the courses are clearly complementary, the interrelation of the units of instruction is evident, of and completion of the corequisite is necessary for success in the related course. In addition, community college districts shall ensure that corequisite courses are available at the college in sufficient numbers to accommodate all students who are required to take them.

(3) Prerequisites may be defined in terms of skills ~~measured by relevent assessment instruments, methods or procedures where the required level of performance is~~ necessary to success in a particular course or program. This includes, but is not limited to, skill competencies in reading, written expression, and mathematics established pursuant to Section 55806 of this Division. The determination of whether a student possesses the required skills shall be based on a comprehensive assessment using multiple measures and ~~the~~ any assessment instruments ~~are~~ relied upon shall be selected and used in accordance with the provisions of Subchapter 6 (commencing with section 55500) of ~~Division~~ Chapter 6 of this ~~part~~ Division. Community college districts shall ensure that pre-collegiate basic skills courses designed to teach required skills are available to accommodate students required to meet the associated skill prerequisites. Any student obtaining a satisfactory grade in such a pre-collegiate basic skills course shall be deemed to meet the associated skill prerequisite.

(4) Eligibility for enrollment in entry level associate degree courses in English and/or mathematics may be used as a prerequisite where communications or computation skills are necessary for success in a course.

(c) No prerequisite described in subdivision (b) may be imposed unless it conforms to all of the following requirements:

(1) Prerequisites shall not state or imply that enrollment in a course is limited to a specialized clientele unless such limitation is directly and specifically authorized by statute or regulation.

(2) Prerequisites for a course or program shall be clearly related to course or program content and must be validated as being necessary for success in such course or program. ~~A sequential coursework prerequisite described in subdivision (b) (1) need not be validated if it~~ Provided, however, that a prerequisite need not be validated if it:

(A) was established prior to the effective date of this section ~~or~~ and is part of a sequence of degree-applicable courses within a given discipline as described in subdivision (b) (1);

(B) is required by statute or regulation; or

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(C) is required by a four-year institution to ensure transferability of subsequent courses ~~to a four-year institution~~.

(3) Prerequisites involving experience requirements may not be established solely on the basis of "hours of exposure."

(4) Community college districts may not establish communication or computational skill prerequisites which apply across the entire curriculum.

(d) Any prerequisite may be challenged by a student, using the procedures provided for in subsections (b) and (c) of section 55534, on one or more of the ~~following~~ grounds listed below. Challenges shall be resolved in a timely manner so that a student can enroll in the course in question if the challenge is upheld. Grounds for challenge are:

(1) the prerequisite is not valid because it is not necessary to success in the course for which it is required;

(2) the student has the knowledge or ability to succeed in the course despite not meeting the prerequisite; ~~or~~

(3) the prerequisite is discriminatory or is being applied in a discriminatory manner~~.~~; or

(4) in the case of a prerequisite established pursuant to subsections (b) (2) or (3), the required course is not available.

(e) Districts shall adopt policies and procedures for validating prerequisites in accord with the provisions of this section. The Chancellor shall, as part of the evaluation required pursuant to section 55512 (c), review district policies and procedures for validation of prerequisites.

(f) Notwithstanding the provisions of this section, prerequisites for Work Experience shall be as stated in Subchapter 3 (commencing with section 55250) of ~~Division~~ Chapter 6 of this ~~Part~~ Division.

(g) The determination of whether a student meets a prerequisite shall be made prior to his or her enrollment in the course or program requiring that prerequisite; provided, however, that enrollment may be permitted pending availability of grades for prerequisite courses taken during a previous term. If grades reported after enrollment demonstrate that the student has failed to meet the prerequisite, the student may be involuntarily dropped from the course or program if the applicable enrollment fees are promptly refunded. Otherwise, a student may only be involuntarily removed from a course due to excessive absences or as a result of disciplinary action taken pursuant to law or the student code of conduct.

(h) A student who obtains a satisfactory grade in a prerequisite course described in subsection (b) (1) shall be deemed to meet the prerequisite for enrollment in a subsequent course in the sequence. No "exit" test may be required unless it is incorporated into the grading for the prerequisite course. A student who obtains satisfactory grades in all required courses in

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a program shall be deemed to have completed the program and no additional "exit" test may be required.

(i) As used in this section, the term "satisfactory grade" means that, for the course in question, the student's academic record has been annotated with the symbol A, B, C or "CR" as those symbols are defined in Section 55758 of this Division.

NOTE: Authority cited: Sections 66700, and 70901 ~~and 84500.1~~, Education Code. Reference: Sections 78211, and 78213, ~~and 84500.1,~~ Education Code.

8. Section 58110 of Subchapter 2 of Chapter 9 of Division VI of Title 5 of the California Code of Regulations is amended to read:

58110. Enrollment Limitations.

Nothing in this chapter shall be deemed to impose obligations on colleges to admit students to classes, courses, or programs beyond the limitations imposed by the size of physical facilities, availability of qualified instructors, funding limitations, and the constraints of regional planning. In all cases, when limitations do exist it is incumbent upon the governing board of a district to ensure that each college establishes fair and equitable procedures, consistent with Section 58106, for admission of qualified students.

NOTE: Authority cited: Sections ~~71020, 71062, and 84500.1,~~ 66700 and 70901, Education Code. Reference: Sections ~~84500 and 84500.1,~~ 70901, Education Code.

9. Section 58508 of Subchapter 6 of Chapter 9 of Division VI of Title 5 of the California Code of Regulations is amended to read:

58508. Refunds

(a) A community college district governing board shall refund upon request any enrollment fee paid by a student in excess of that computed pursuant to Section 58501 for program changes made during the first two weeks of instruction.

(b) A community college district shall not refund any enrollment fee paid by a student for program changes made after the first two weeks of instruction unless the program change is a result of action by the district to cancel or reschedule a class or to drop a student pursuant to Section 58106 (g) where the student fails to meet a prerequisite.

(c) When refunding an enrollment fee pursuant to subsection (a), a community college district may retain once each semester or quarter an amount not to exceed $10.00.

(d) If the district has adopted a withdrawal policy pursuant to Section 55758 of this Division, any student who is a member of an active or reserve United States military service, and who has withdrawn from courses due to military orders, may file a petition with the district requesting refund of the enrollment fee. The district shall refund the entire enrollment fee unless academic credit has awarded.

NOTE: Authority cited: Sections 66700, 70901 and 72252, Education Code. Reference: Section 72252, Education Code.

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